

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.07.2015

CORAM

THE HONOURABLE MR.JUSTICE T. RAJA

Writ Petition No.22470 of 2015
M.P.Nos.1 to 3 of 2015

N.Thangaraju

... Petitioner

Vs.

1. The Sale Officer/Deputy Registrar
of Co-operative Societies,
Coimbatore Circle,
Coimbatore-18.

2. The Secretary,
Coimbatore District Lawyers
Co-operative Service Society,
District Court Compound,
Coimbatore.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for Writ of Certiorari, to call for the records, of the 1st respondent, pertaining to the impugned sale notice, dated 15.07.2015, in relation to the schedule mentioned property and quash the same.

For Petitioner : Mr.R.Sivakumar

For 1st Respondent : Mr.R.Balaramesh,
Addl. Govt. Pleader

OR D E R

This writ petition has been filed, challenging the impugned auction notice, dated 15.07.2015, in and by which, the time for auction was fixed as 11 O'Clock today.

2. Learned counsel appearing for the petitioner fairly submitted before this Court that although an award has been passed, way back on 26.03.2004, under Section 90 of the Tamil Nadu Co-operative Societies Act, in ARC.No.268 of 2004, for recovery of a sum of Rs.15 Lakhs, the petitioner was unable to challenge it, for several practical reasons. One such reason, he pleaded, is that when the petitioner has approached the members of the 2nd respondent-Society, they passed a resolution that none of its member Advocates shall render any legal assistance to him, with regard to the pending Arbitration proceedings, before the 1st respondent, as a result, he

was unable to challenge the same, which caused huge delay. On this basis, he has prayed for interference with the impugned order.

3. This Court is not inclined to entertain this writ petition, since the learned Special Government Pleader appearing for the 1st respondent submitted that the auction must have been over, by now, as the auction notice mentioned the time for auction as 11 O'Clock today. I find some merits in the said submission, because, now it being 3.00 P.M., the auction should have been ended.

4. In view of the above, this Writ Petition fails and the same is dismissed. No costs. Consequently, connected Miscellaneous Petition is also closed.

Sd/-

Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

skm

To

The Sale Officer/Deputy Registrar
of Co-operative Societies,
Coimbatore Circle,
Coimbatore-18.

1 cc to M/s.R. Sivakumar, Advocate, Sr. 38262

1 cc to Government Pleader, Sr. 38045

W.P.No.22470 of 2015

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