

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.08.2015

CORAM

THE HONOURABLE MR. JUSTICE N.KIRUBAKARAN

W.P.No.26347 of 2015

and

M.P.Nos. 1 and 2 of 2015

M.Vijayaraj

... Petitioner

vs.

1. The Deputy Registrar,  
Co-operative Society Deputy Registrar Office,  
Tiruvannamalai - 606 601.

2. The Co-operative Sub Registrar/Sale Officer,  
Thandarampattu,  
Tiruvannamalai District.

3. The C-952 Perayampattu Primary  
Agricultural Co-op. Credit Society,  
Rep. By its President,  
Thiruvannamalai District.

... Respondents

(R-3 suo motu is implemented as per the order  
of this Court dated 25.08.2015)

Petition filed under Article 226 of the Constitution of India for the issuance of a writ of certiorarified mandamus, calling for the records relating to the sale notice dated 22.07.2015 issued by the 1<sup>st</sup> respondent for the sale of the petitioner's lands, measuring 0.56 acres and 3.37 acres comprised in S.Nos.15/05 and 06/1 respectively, Perayampattu Village, Thandrampattu Taluk, Tiruvannamalai District, quash the same and forbearing the respondents from selling the said lands in public auction or in any other manner till the disposal of claim petition dated 20.03.2015 filed by petitioner before the 1<sup>st</sup> respondent under Rule 135 (1) of the Tamilnadu Co-operative Societies Rules 1988.

For Petitioner : Mr.P.Mani

For Respondents: Mr.L.P.Shanmugasundaram,  
Special Government Pleader

## ORDER

The petitioner has challenged the Sale Notice dated 22.07.2015, issued by the first respondent for selling the properties, measuring 0.56 acres and 3.37 acres, comprised in S.Nos.15/05 (0.56 acres) and 06/1 (3.37 acres) respectively, at Perayampattu Village, Thandrapattu Taluk in Tiruvannamalai District.

2. The petitioner contends that he purchased the properties from one Prabhu by virtue of Sale Deed dated 09.07.2012. The said Prabhu got the above properties by virtue of two settlement deeds deed 23.07.2007 and 23.03.2009, from his father Anbarasu. From the date of purchase, he is in possession, transferring all the revenue records in his name. When things stand so, the petitioner came to know that attachment order was passed by the first respondent on 26.09.2012 with regard to the aforesaid properties. Therefore, the petitioner filed a claim petition before the first respondent, on 20.03.2015, under Rule 135(1) of the Tamil Nadu Co-operative Societies Rules, claiming right over the properties, contending that Anbarasu was the Clerk in the third respondent Society. However, the said petition has not been disposed of. Without disposing of the petition, the properties are being brought for sale as per the impugned Notification. Therefore, the petitioner has come forward with this Writ Petition challenging the same.

3. Heard Mr.P.Mani, learned counsel appearing for the petitioner and Mr.L.P.Shanmugasundaram, learned Special Government Pleader.

4. A perusal of the record makes it appear as if the petitioner purchased the properties from Prabhu on 09.07.2012. Prabhu is the son of Anbarasu against whom surcharge proceedings have been initiated and the properties originally belonged to him.

5. Without going into the merits of the case, the right of both parties will be safeguarded, if the first respondent is directed to dispose of the claim petition filed by the petitioner, within a period of four weeks from the date of receipt of a copy of this order. Till such time, the auction is directed to be deferred. In case, if the claim petition is negatived, it is open to the first respondent to continue the auction proceedings in which stage it has been deferred at present.

6. With the above direction, the present Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1. The Deputy Registrar,  
Co-operative Society Deputy Registrar Office,  
Tiruvannamalai - 606 601.
  2. The Co-operative Sub Registrar/Sale Officer,  
Thandarampattu,  
Tiruvannamalai District.
  3. The President,  
C-952 Perayampattu Primary  
Agricultural Co-op. Credit Society,  
Thiruvannamalai District.
- +1 cc to Mr.P.Mani, Advocate sr.45949  
+1 cc to Mr.L.P.Shanmugasundaram, Advocate sr.45979

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