

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 29.02.2016

CORAM

THE HONOURABLE Mr.JUSTICE T.S.SIVAGNANAM

WP.No.7247/2016 & WMP.No.6453/2016

J.Arun Balaji

.. Petitioner

Versus

1. The Secretary to Government
Coop, Food and Consumer Protection
Department, Fort St George, Chennai-9.
2. The Registrar of Coop Societies
NVN Maligai, Kilpauk, Chennai-10.
3. The Joint Registrar of Coop Societies
Krishnagiri Region, Krishnagiri District.
4. The Deputy Registrar of Coop Societies
Krishnagiri region, Krishnagiri District.
5. The Sale Officer
Coop Sub Registrar/Field Officer, Kaveripatinam
KK252, Veeramalai Primary Agricultural
Coop Credit Society, Veeramalai, Poochampalli
Taluk, Krishnagiri District. .. Respondents

Writ petition filed under Article 226 of the Constitution of India praying for a writ of certiorarified mandamus calling for the impugned notice in EP.No.7/2014-2015 Tha.Thi.06/2007 Sa.Pa.1 dated 27.01.2016 issued by the 5th respondent herein and quash the same and consequently direct the respondents Nos.1 to 5 to consider the petitioner's representation dated 22.02.2016 for discharging the petitioner's property from auction proceedings in pursuant to the circular dated 06.04.2009 issued by the 2nd respondent.

For Petitioner : Mr.T.Sundaravadanam
For RR 1 to 4 : Mr.L.P.Shanmugasundaram, Spl.GP
For R5 : Mr.M.S.Palanisamy

ORDER

Heard the learned counsel for the petitioner ; Mr.L.P.Shanmugasundaram, learned Special Government Pleader, appearing on behalf of the respondents 1 to 4 ; and Mr.M.S.Palanisamy, learned counsel accepting notice on behalf of the 5th respondent and with their consent, the writ petition is taken up for final disposal.

2 The petitioner is aggrieved by a Sale Notice issued by the 5th respondent bringing for sale, the property, to execute the order of Surcharge dated 24.07.2008, which was confirmed by the Cooperative Tribunal/Principal District Court, Krishnagiri in CMA [CS] No.16/2009. The petitioner's father filed CRP [NPD] No.217/2013 against the judgment of the Tribunal dated 12.04.2012. It is stated that the said Civil Revision Petition is pending and no interim orders have been granted. In the interregnum, the impugned notice has been issued.

3 Learned counsel appearing for the intervener/Society, viz., Veeramalai Primary Agricultural Cooperative Credit Society, submitted that without impleading the Society, which is the decree holder, the petitioner is attempting to stall the recovery proceedings initiated in accordance with law. Learned counsel has also produced before this Court, copy of an order in WP.No.40568 to 405700 of 2015 dated 22.12.2015, by which, an identical case was dismissed by this Court.

4 Faced with this situation, the petitioner has only two options, viz., either he has to move an appropriate interim application in the pending Civil Revision Petition in CRP [NPD] No.217/2013 or he has to pursue his objection given to the impugned Sale Notice before the Sale Officer.

5 In the light of the above, the prayer sought for by the petitioner, cannot be granted. It is left open to the petitioner to exercise one of the two options mentioned above.

6 The writ petition is disposed of with the above observation. No costs. Consequently, connected miscellaneous petition is closed.
AP

-s/d-

Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

To

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- + 1 cc to Mr.L.P.Shanmugasundaram, Advocate, SR 12802
- + 1 cc to Mr.M.S.Palaniswamy, Advocate SR 12777
- + 1 cc to Government Pleader, High Court, Madras SR 12955

svi(co)
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WP.No.7247 of 2016



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