

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.08.2017

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.21548 of 2017
and
W.M.P.No.22528 of 2017

1.Thandava Krishnarao
2.T.Lakshmi .. Petitioners

-Vs-

1.The General Manager,
Purasawakam Co-operative Bank
Ltd., Purasawakam,
Chennai - 7.
2.Alwin and Company,
Government and Public
Auctioneers, Estate Agents,
No.260, Old No.204, I Floor,
Thambu Chetty Street,
Chennai - 1. Respondents

Petition filed under Article 226 of The Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus to call for the records made in the impugned auction notice dated 15.07.2017 passed by the second respondent herein and quash the same as illegal and direct the first respondent to include the amount paid by the petitioners for a sum of Rs.2,56,201/- in the principal amount and fix the minimum interest to secure the ends of justice.

For Petitioner .. Mr.K.Nagarajan
For Respondent .. Mr.L.P.Shanmuga Sundaram,
Spl. Govt. Pleader

ORDER

Challenging the auction notice of the second respondent dated 15.07.2017 and for a direction to the first respondent to include the amount paid by the petitioners for a sum of Rs.2,56,201/- in the principal amount and fix the minimum interest, the petitioners have filed the present writ petition.

2.Heard the learned counsel appearing for the petitioners and the learned Special Government Pleader appearing for the respondents.

3.Learned counsel appearing for the petitioners would submit that the second respondent issued the impugned auction notice, without following the procedure and rules and regulations.

4.On a perusal of the impugned notice, it is seen that the said notice has been issued by the second respondent on behalf of the first respondent. The writ petition cannot be entertained against the second respondent in the light of the decision rendered by the Larger Bench of this Court in K.Marappan Vs. Deputy Registrar of Co-operative Societies, Namakkal (2006(4) CTC 689). Hence the writ petition is liable to be dismissed as not maintainable and accordingly, it is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

mmi
To

The General Manager,
Purasawakam Co-operative Bank
Ltd., Purasawakam,
Chennai - 7.

+1 cc to M/s.L.P.Shanmugasundaram Advocate sr 59464

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