

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.08.2017

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THE HON'BLE MR. JUSTICE D. KRISHNAKUMAR

WP.No.23365 of 2017 and
WMP.Nos.24459 & 24460 of 2017

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..Petitioner

Vs.

1. The Sale Officer,
Cooperative Sub Registrar,
Vellore.
2. The Secretary, C2478,
C 2478, Ambur Cooperative Housing
Society Limited,
No.18A, Umar Road,
Ambur,
Vellore District

..Respondents

PRAYER:

The Writ Petition is filed under Article 226 of the Constitution of India to issue a writ of certiorari calling for the records relating to impugned communication letter undated forwarded from first respondent to second respondent and quash the same.

For petitioner : Mr.R.Margabandhu

For respondents : Mr.V.Selvaraj, Additional
Government Pleader for R1

: Mr.L.P.Shanmuga Sundaram,
Special Government Pleader for R2

ORDER:

According to the petitioner, the petitioner's father availed a housing loan for a sum of Rs.1,00,000/- by depositing the title deed dated 29.10.1996. The petitioner's father paid the above said loan periodically to the respondent society. The petitioner's father died on 11.05.2015. Without any intimation

about the pendency of the loan and without knowledge, the respondent brought the mortgaged property for sale. The first respondent had issued a letter to the second respondent informing of the auction sale of the property on 28.08.2017. But, it seemed that no bidders came forward on that day. Assuming that the respondents are taking steps to get the property for auction, the petitioner has filed the present writ petition before this Court.

2. The learned counsel for the petitioner would submit that the said sale auction initiated by the respondents is without following the procedures as contemplated under the Act.

3. The learned Additional Government Pleader would submit that the petitioner having any grievance, under Rule 135 of the Act, he can make objection or claim petition before the sale officer. Therefore, the writ petition is not maintainable before this Court at this stage.

4. By considering the submissions of the parties concerned, the petitioner having the remedy under Rule 135 of the Tamil Nadu Cooperative Societies Act, 1983, the writ petition is not maintainable before this Court and is liable to be dismissed.

5. Hence, the writ petition is dismissed as not maintainable. However, liberty is granted to the petitioner to approach the concerned authority under Rule 135 of the Tamil Nadu Cooperative Societies Act, 1983. Consequently, the connected miscellaneous petitions are closed. No costs.

Sd/-

Assistant Registrar(CS V)

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Sub Assistant Registrar

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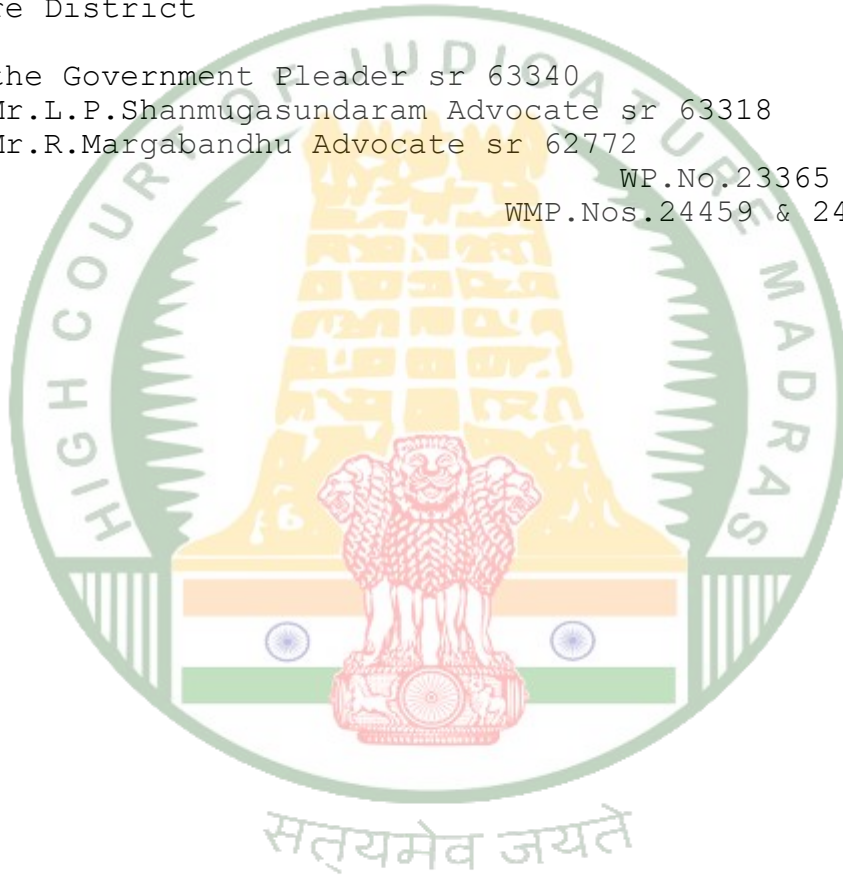
To

1. The Sale Officer,
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Vellore.
2. The Secretary, C2478,
C 2478, Ambur Cooperative Housing
Society Limited,
No.18A, Umar Road,
Ambur,
Vellore District

+1 cc to the Government Pleader sr 63340
+1 cc to Mr.L.P.Shanmugasundaram Advocate sr 63318
+1 cc to Mr.R.Margabandhu Advocate sr 62772

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