

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.07.2017

CORAM:

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

W.P. No. 7806 of 2012
and
M.P No.1 of 2012

B. Sumathy .. Petitioner

Vs.

1. The Registrar of the District
Uthagamandalam.
2. The Deputy Registrar of
Co-operative Societies,
Uthagamandalam.
3. Coonoor Co-operative Urban
Bank Ltd., Rep.by Manager
Coonoor, Nilgiris District. .. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari, calling for the records of the 2nd respondent herein comprised in impugned order Sale Notice in Form No.8 in C.E.P No.21 of 2009 dated 13.3.2012 issued by the 2nd respondent, in respect of the petitioner's dwelling house/ property in S.No.716 No.101 in Apple By Road, Lingammal Nilayam, Coonoor and quash the impugned sale notice and pass such further orders.

For Petitioner : Mr. J. Franklin
For Respondents : Mr. V. Selvaraj AGP for R1 & R2

Mr.L.P. Shanmugasundaram
Spl. Govt. Pleader for R3

O R D E R

This Writ Petition has been filed challenging the impugned sale notice issued under Form 8, Rules 156 of the Tamil Nadu Co-operatives Rules, 1988.

2. Learned counsel for the petitioner would submit that the petitioner's husband L. Jayaraman died due to sudden

heart attack on 15.04.2011. Only from the auction notice, the petitioner was aware of the loan stated to have been obtained from the 3rd respondent society. According to the petitioner, the sale notice has been issued in the name of the deceased L. Jayaraman and therefore the same is liable to be quashed.

3. The learned Additional Government Pleader would submit that in view of the above submission of the learned counsel for the petitioner, liberty may be granted by this Court to issue fresh notice to the legal heirs of the deceased L. Jayaraman.

4. In view of the submissions made by the parties, the impugned sale notice issued in the name of the deceased L. Jayaraman is unsustainable and hence the same is set aside. However, liberty is granted to the respondents to proceed further, in accordance with law.

5. The Writ Petition is allowed, with the above observation. Consequently, the connected Miscellaneous Petition is closed. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

avr

To

1. The Registrar of the District
Uthagamandalam.

2. The Deputy Registrar of
Co-operative Societies,
Uthagamandalam.

3. Coonoor Co-operative Urban
Bank Ltd., Rep.by Manager
Coonoor, Nilgiris District.

+1cc to Mr.J.Franklin, Advocate, S.R.No.51441

+1cc to the Government Pleader, S.R.No.52093

W.P. No. 7806 of 2012
and

M.P No.1 of 2012

GJ(CO)
GN(28/09/2017)