

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.7.2017

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.18113 of 2017
and
W.M.P.No.19656 of 2017

1.B.Padmavathi

2.B.Aravindasamy

... Petitioners

Vs.

1. The Deputy Registrar of Co-operative Societies, Cheyyar Circle, Cheyyar Post, Thiruvannamalai District.
2. The Auction Sale officer, H.H.577, Vandavasi Primary Agricultural Cooperative Credit Society Ltd., Vandavasi Post,
3. The President, Vandavasi Primary Agricultural Cooperative Credit Society Ltd., Vandavasi Post.

4. Babu

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records of the second respondent relating to the notification of auction sale published in Dinamalar, dated 3.6.2017 and quash the same and consequently direct the respondents not to conduct the auction sale on 20.7.2017 or on any subsequent dates, until the first respondent disposes the petition filed by the petitioner under Rule 135 of the Tamilnadu Cooperative Societies Rules.

For Petitioners : Mr.P.Anbarasan

For Respondents : Ms.T.Girija,
1 to 3 Government Advocate

O R D E R

The Writ petitioners have challenged the original auction notification dated 9.9.2010. Pursuant to the said auction notification, petitioners have filed an application under Rule 135, Tamilnadu Co-operative Societies Rules on 26.10.2010. Subsequently, auction was dropped. But the said application preferred by the petitioners is still pending with the second respondent. Suddenly, the second respondent has issued the impugned sale notice, 3.6.2017. Challenging the sale notice, the petitioners have filed the present writ petition before this Court. According to the petitioner, when the application is pending, the sale notice is illegal, perverse and contrary to law.

2. The learned Additional Government Pleader on instruction would submit that the said application is still pending with the authority concerned and the same shall be considered on or before the auction date fixed by the second respondent. As the application is pending for more than 7 years, an appropriate order will be passed on or before 19.7.2017.

3. In view of the above submission made by the learned Additional Government Pleader, the second respondent has to consider the said application, dated 26.10.2010 on merits and in accordance with law after giving opportunity to the petitioner and pass orders within a period of two weeks from the date of receipt of copy of this order. Till such time, petitioners undertakes to pay a sum of Rs.1 lakh to the respondent Society on or before 26.7.2017 failing which the respondent shall proceed with the auction. On compliance of the said condition, the auction proceedings shall be deferred for the period of four weeks.

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

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

vaan

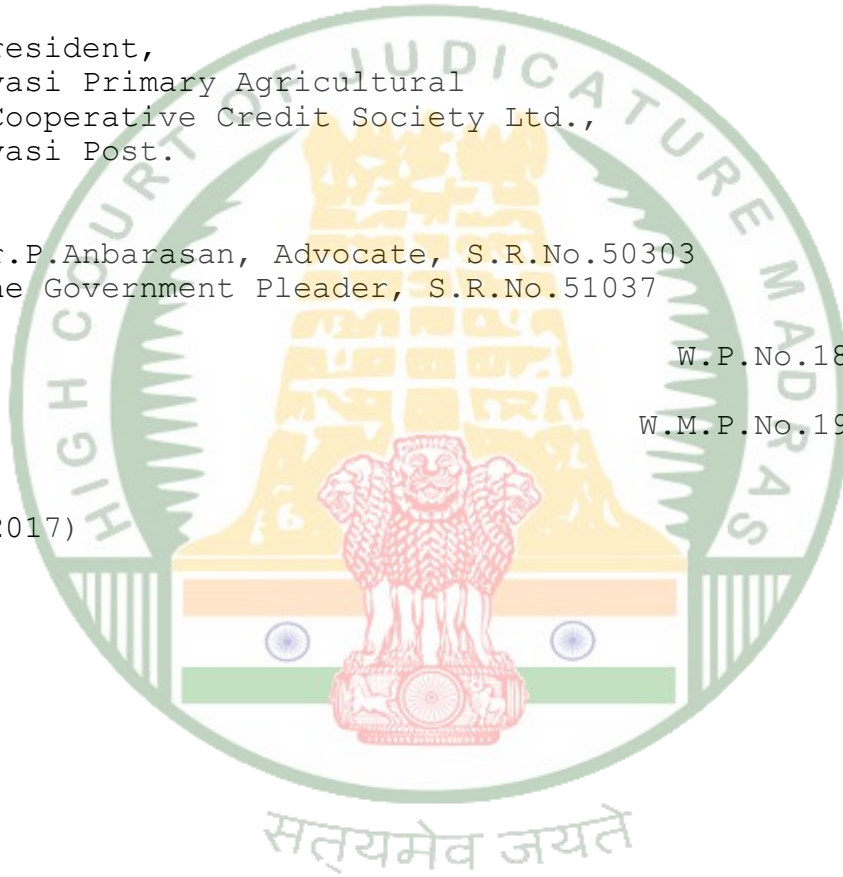
To

1. The Deputy Registrar of Co-operative Societies, Cheyyar Circle, Cheyyar Post, Thiruvannamalai District.
2. The Auction Sale officer, H.H.577, Vandavasi Primary Agricultural Cooperative Credit Society Ltd., Vandavasi Post,
3. The President, Vandavasi Primary Agricultural Cooperative Credit Society Ltd., Vandavasi Post.

+1cc to Mr.P.Anbarasan, Advocate, S.R.No.50303
+1cc to the Government Pleader, S.R.No.51037

W.P.No.18113 of 2017
and
W.M.P.No.19656 of 2017

MV (CO)
CA(02/08/2017)



WEB COPY