

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.7.2017

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR
W.P.No.22879 of 2004
and W.M.P.No.27662 of 2004

1 M.SHANMUGAM ... PETITIONER

Vs.

1 THE SECRETARY
SENGAM ZONE COOP SOCIETY LTD (HOUSING
LOAN) SENGAM POST THIRUVANNAMALAI DISTRICT
2 THE SALE OFFICER,
SUB REGISTRAR COOP SOCIETIES,
SUB REGISTRAR,
OFFICER (HOUSING LOAN) VELLORE ... RESPONDENTS

Prayer: Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, forbearing the respondents 1 and 2 not to proceed with the auction sale on 11.8.2004 in respect of the petitioner's property.

For Petitioner : Mr.S.Jayaseelan
For Respondent No.1 : Mr.A.S.Vijayaraghavan
For Respondent No.2 : Ms.T.Girija, G.A.

O R D E R

According to the petitioner, the petitioner has borrowed loan for construction of house from the first respondent society for a tune of Rs.38,500/- and Rs.16,500/- on 26.4.1999 and 17.11.1997 respectively. Petitioner has to repay the said loan amount to the society. Subsequently, the petitioner is not in a position to repay the instalments due to the society. Petitioner requested time to repay the instalments due to the society. Petitioner came to know that the respondent society has not properly accounted the amount deposited by the petitioner. Petitioner requested the respondent society to furnish copy of the statement for repayment of the outstanding

dues payable by the petitioner. The Government has also announced waiver scheme. In spite of that, auction notice was published on 13.7.2004 in the daily news paper. Thus, the petitioner has filed the present writ petition before this Court for issuance of writ of mandamus, forbearing the respondents 1 and 2 not to proceed with the auction sale on 11.8.2004 in respect of the petitioner's property.

2 The learned counsel for the second respondent society would submit that the writ petition itself is not maintainable. Petitioner has not challenged the auction sale notice. Pursuant to the interim order granted by this Court, petitioner has not complied with the condition imposed by this court. If the petitioner had any grievance, he can proceed in accordance with the provisions of law as contemplated under the Tamilnadu Cooperative Societies Rules.

3 As rightly pointed out by the learned counsel for the respondent society, the petitioner has not challenged the auction notice issued by the second respondent, as per the provisions of the act. If the petitioner had any grievance, he can file an objection or claim petition under Rule 135 of the Tamil Nadu Cooperative Societies Rules. The petitioner has requested time for repayment of outstanding dues. However, if the petitioner is entitled to waiver scheme, it is open to the petitioner to approach the concerned authority under Rule 135 of the Tamilnadu Cooperative Society Act.

4 Therefore, the writ petition is dismissed. However, liberty is granted to the petitioner to file appropriate application before the authority concerned if so advised. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CO)

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Sub Assistant Registrar

vaan

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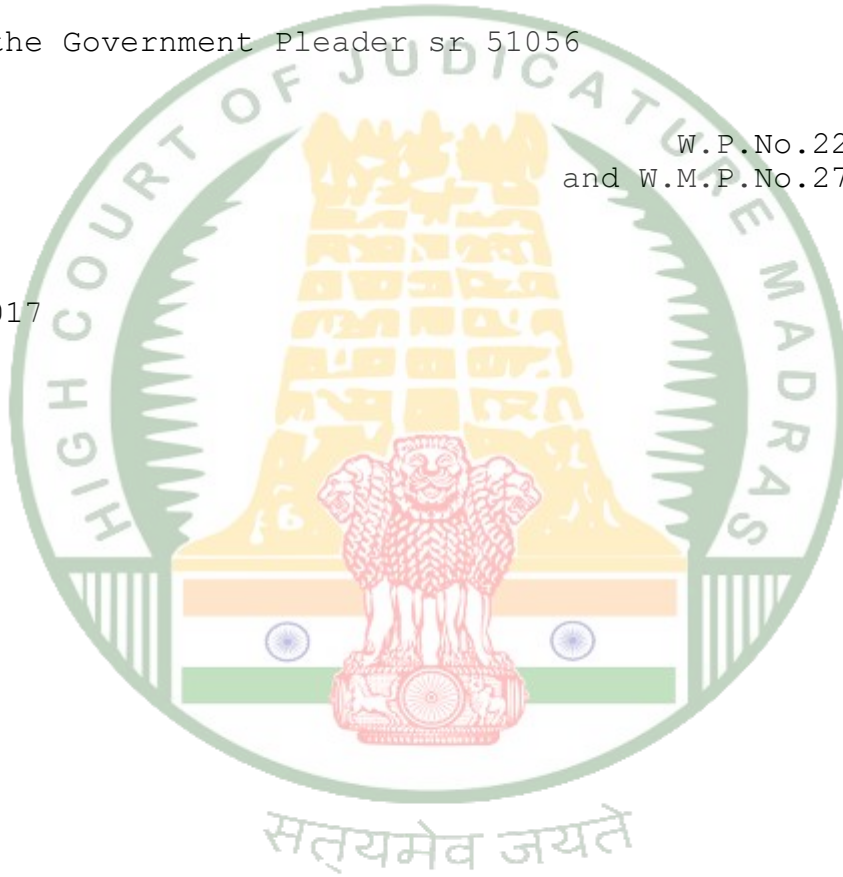
To

- 1 THE SECRETARY
SENGAM ZONE COOP SOCIETY LTD (HOUSING
LOAN) SENGAM POST THIRUVANNAMALAI DISTRICT
- 2 THE SALE OFFICER,
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+1 cc to the Government Pleader sr 51056

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