



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **05.06.2017**

CORAM:

THE HONOURABLE MR.JUSTICE **T.S.SIVAGNANAM**

and

THE HONOURABLE MR.JUSTICE **P.VELMURUGAN**

W.A(MD)No.513 of 2013

and

M.P.(MD)No.1 of 2013

Antony Mickelraj

...Appellant

Vs.

1.The Sale Officer Cum Deputy Registrar
of Co-operative Societies,
Thiruchendur,
Tuticorin District.

2.The Thandupathu Co-operative Urban bank, Ltd.,
No.E.E. 378,
Thandupathu,
Through its Special Officer,
Tuticorin District.

3.C.Samuel Raj Devapitchai

...Respondents

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent,
praying to allow the Writ Appeal and set aside the order dated
27.08.2008 passed by the learned Judge in W.P.(MD)No.2726 of 2008.

Prayer in WP(MD) . 2726/ 2008 :

Writ Petition is filed under Article 226 of the
Constitution of India, praying this Court to issue a Writ of
Certiorari, calling for the records pertaining to the impugned
auction notice in vernacular daily Dinakaran dated 20/02/2008 in
CEP No. 48/2000-01 on the file of the Respondent No. 1 for auction
of the petitioners property in serial no. 2 of the notification
and quash the same.

For Appellants : Mr.T.Lajapathi Roy

For Respondents 1 & 2 : Mr.V.R.Shanmuganathan,
Special Government Pleader

JUDGMENT

(Judgment of the Court was delivered by **T.S.SIVAGNANAM, J.**)

This Writ Appeal is directed against the order passed in
W.P.(MD)No.2726 of 2008 dated 27.08.2008. The appellant
challenged the auction sale notice published in vernacular daily
Dinakaran, dated 20.02.2008, bringing the property for sale for
recovery of dues payable by the third respondent / borrower.



2. Heard Mr. T.Lajapathi Roy, learned counsel appearing for the appellant and Mr.V.R.Shanmuganathan, learned Special Government Pleader, appearing for the respondents 1 and 2.

3. The appellant's case is that the sale was effected without attachment and the appellant had purchased the property about eight years prior to the auction sale notice.

4. In our considered view, the Writ Petition was dismissed in the year 2008. The Writ Appeal came up for admission on 12.06.2013 and it was adjourned on two occasions at the instance of the appellant. The Writ Petition was dismissed on a technical ground stating that the matter is purely contractual.

5. If, according to the appellant, the purchase is a *bona fide* purchase, it is for the appellant to approach the concerned Deputy Registrar of Co-operative Society or Joint Registrar of Co-operative Society, having jurisdiction over the second respondent Society. With this liberty, the Writ Appeal stands disposed of. No costs. Consequently, the connected Miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar

+1cc to Mr. T.LAJAPATHI ROY Advocate in SR. No.58482

MR/KM

JS/JC/SAR.4/14.6.2017/2P-2C

JUDGMENT IN
W.A (MD) No.513 of 2013
and
M.P. (MD) No.1 of 2013
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