



WEB COPY

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED 27.11.2018**

CORAM

**THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN
W.P(MD)No.1495 of 2015**

**and
M.P.(MD)No.1 of 2015**

R.Cheralathan

... Petitioner

Vs

1. The President,
No.A.1449, Madura Coats Labour
Cooperative stores limited,
3, Arapalayam cross road,
Madurai 16.

2. The Secretary,
No.A.1449, Madura Coats Labour
Cooperative stores limited,
3, Arapalayam cross road,
Madurai 16.

3. The Chairman,
M.D.C.C. Bank,
187, North Veli Street,
Madurai - 1.

4. Regional Joint Registrar,
Co-operative Society,
Madurai Region,
Lady Doak Colleg road,
Chinna Chokkikulam,
Madurai 2.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents 1 and 2 to issue fresh auction notification in the manner known to law, inviting tenders to sell the 43 cents vacant plot belonging to A.1449, Madura coats Labour Cooperative Stores Ltd., situated at Palanganatham, Madurai, under the supervision of respondent No.4, taking into account of the petitioner's representation, dated 08.01.2015.

For Petitioner : Mr.V.Vinayagamoorthy

For Respondents : Mr.R.Karthikeyan

For R-1.

Mr.J.Padmavathy Devi

Special Government Pleader for R-4

**ORDER**

This writ petition has been filed seeking a writ of Mandamus, to direct the respondents 1 and 2 to issue fresh auction notification in the manner known to law, inviting tenders to sell the 43 cents vacant plot belonging to A.1449, Madura Coats Labour Cooperative Stores Ltd., situated at Palanganatham, Madurai, under the supervision of respondent No.4, taking into account of the petitioner's representation, dated 08.01.2015.

2. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents.

3. On an earlier occasions, when the matter came up for hearing, no interim orders were granted and it was simply adjourned for getting instruction and for filing counter. When the matter was called on 20.11.2018, there was no representation on behalf of the petitioner and hence, it was directed to be listed under the caption 'for dismissal' on 22.11.2018 and on 22.11.2018 also, the matter was again adjourned to 27.11.2018. Therefore, for the two occasions, the petitioner's counsel was not present. Hence, the learned Special Government Pleader informed that she will produce necessary instructions. Accordingly, today, she produced a letter dated 26.11.2018 sent by the General Manager of the Madurai District Central Co-operative Bank Ltd., 187, North Veli Street, Madurai-1, wherein after a due process of law, the said land in question was taken by the said bank in lieu of the loan amount of Rs.5,06,10,825/-. Hence, the 43 cents land has been sold to the said Bank on 26.03.2015.

4. In view of the above, nothing survives in this writ petition for further adjudication. Accordingly, this writ petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is also dismissed.

Sd/-

Assistant Registrar(Writs)

/True Copy/

Sub Assistant Registrar(CS-III)

To

1. The President,
No.A.1449, Madura Coats Labour
Cooperative stores limited,
3, Arappalayam cross road,
Madurai 16.



2. The Secretary,
No.A.1449, Madura Coats Labour
Cooperative stores limited,
3, Arapalayam cross road,
Madurai 16.

3. The Chairman,
M.D.C.C. Bank,
187, North Veli Street,
Madurai - 1.

4. Regional Joint Registrar,
Co-operative Society,
Madurai Region,
Lady Doak Colleg road,
Chinna Chokkikulam,
Madurai 2.

+1cc to Special Government Pleader Sr.No.97331

Rj2

MK/KK/PM/SAR 3/28.12.2018/3P/6C

W.P (MD) No.1495 of 2015
27.11.2018