



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 21.03.2018
CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P(MD) .Nos.8100 of 2016 and 21705 of 2017
and

W.M.P. (MD) .No18007 of 2017
in

W.P. (MD) .No21705 of 2017

W.P. (MD) .No.8100 of 2016

A.Chitra

... Petitioner

Vs.

1. The Registrar of Cooperative Societies,
E.V.R.Maalgai,
Kilpauk,
Chennai.
2. The Joint Registrar of
Co-operative societies,
Kajamalai, Mannarpuram,
Trichy.
3. The Deputy Registrar of
Co-operative Societies,
Musiri Circle,
Musiri,
Trichy District.
4. The Sale Officer,
Office of Co-operative Deputy Registrar,
College Road, Vadugapatti,
Elango Nagar, Musiri,
Trichy District.
5. R.963 Thulaiyanatham Primary
Agricultural Co-operative Credit Society,
Rep by its President,
Thulaiyanatham,
Musiri Taluk, Trichy District.
6. The Sub Registrar,
<https://hcservices.ecourts.gov.in/hcservices/>
Registration Department,
Musiri, Trichy District.



7. The Sub Registrar,
Registration Department,
Thathainagar Pettai,
Trichy District.

...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents 3 and 4 to dispose the claim petition of the petitioner dated 21.02.2016 within a time frame fixed by this Court.

W.P. (MD) .No.21705 of 2017

A.Chitra

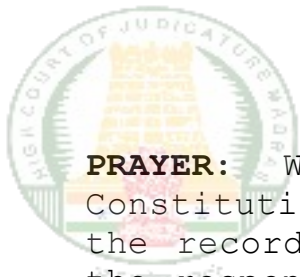
... Petitioner

Vs.

1. The Registrar of Cooperative Societies,
E.V.R.Maaligai,
Kilpauk,
Chennai.
2. The Joint Registrar of
Co-operative societies,
Kajamalai, Mannarpuram,
Trichy.
3. The Deputy Registrar of
Co-operative Societies,
Musiri Circle,
Musiri,
Trichy District.
4. The Sale Officer,
Office of Co-operative Deputy Registrar,
College Road, Vadugapatti,
Elango Nagar, Musiri,
Trichy District.
- 5.S.Venkatesan
- 6.R.963 Thulaiyanatham Primary
Agricultural Co-operative Credit Society,
Rep by its President,
Thulaiyanatham,
Musiri Taluk, Trichy District.

7. The Sub Registrar,
Registration Department,
Musiri, Trichy District.

...Respondents



PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records pertaining to impugned auction sale notice issued by the respondents 3 and 4 in No.Nil, dated Nil, published in Malai Malar Tamil Daily on 24.10.2017, fixing the auction sale of the petitioner's property on 27.11.20107 and quash the same.

For Petitioner in
both cases : Mr.M.Saravanan

For R1 to R4 in
both cases : Mr.D.Muruganantham
Addl. Government Pleader

COMMON ORDER

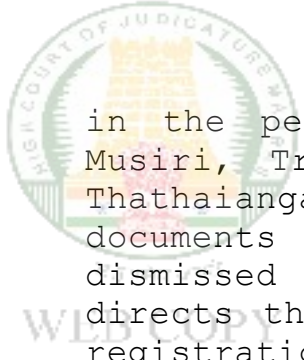
Heard Mr.M.Saravanan, learned counsel appearing for the petitioner and Mr.D.Muruganantham, learned Additional Government Pleader appearing for the respondents 1 to 4.

2.The writ petition in W.P.(MD).No.8100 of 2016, has been filed by Tmt.A.Chitra, W/o.S.Murugesan, who was the erstwhile Secretary of the 5th respondent Society.

3.The writ petition in W.P.(MD).No.8100 of 2016 has been filed to direct the respondents 3 and 4 to dispose of the claim petition filed by the petitioner dated 21.02.2016.

4.The learned counsel for the petitioner submitted that the claim petition has been dismissed by the competent authority and the petitioner is in possession of the property and he has already filed a suit before the First Additional Subordinate Court, Trichy. The claim petition having been dismissed by the competent authority, the question of injuncting the registering authority from registering the property in favour of the Society or others does not arise. It appears that in this writ petition the petitioner had obtained an interim order.

5.The learned counsel for the petitioner submitted that the writ petition in W.P.(MD).No.21705 of 2017 was filed against one of the properties was left out in the claim petition filed earlier. In any event, both the claim petitions have been dismissed by the competent authority. Therefore, there cannot be any interim order and the writ petition cannot be allowed to continue further.



in the pending suit. Since the Sub Registrar of Registration, Musiri, Trichy District and the Sub-Registrar of Registration, Thathaiangar Pettai, Trichy District, are refusing to accept the documents filed by the Society for registration, since this Court dismissed the writ petitions and also vacated the interim order, directs the concerned Sub-Registrars to accept the documents for registration forthwith. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (T&P)

/True Copy/

Sub Assistant Registrar

To

1. The Registrar of Cooperative Societies,
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Chennai.
2. The Joint Registrar of
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3. The Deputy Registrar of
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5. The President,
R.963 Thulaiyanatham Primary
Agricultural Co-operative Credit Society,
Thulaiyanatham,
Musiri Taluk, Trichy District.
6. The Sub Registrar,
Registration Department,
Trichy District.



7. The Sub Registrar,
Registration Department,
Thathaiangar Pettai,
Trichy District.

+ 2 ccs TO Mr.R.Subramanian , Advocate in SR No. 57085,57086
+ 1 cc TO The Special Government Pleader in SR No. 57597,57598

Ns

AE/SKN RSK/SAR4/23.04.2018/5P/11C

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