

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:25.03.2019

CORAM

THE HONOURABLE Mr.JUSTICE D.KRISHNAKUMAR

W.P.No.8361 of 2019 &
W.M.P.Nos.8905 & 8906 of 2019

Kalaivani

...

Petitioner

Vs.

1.The Deputy Registrar,
Co-operative Society,
Office of the Assistant Registrar,
Sudhakaran Complex, Vellore Road,
Tiruchengode,
Namakkal District - 637 211.

2.Co-operative Sub Registrar /
Inspection and Sale Officer,
Tiruchengode Circle Co-operative,
Deputy Registrar Office,
CHB Colony, Velur Road,
Tiruchengode - 637 210.
Namakkal District.

...

Respondents

Prayer:- The Writ Petition is filed under Article 226 of the Constitution of India, seeking for issuance of Writ of Certiorari to call for the records relating to the proceedings of the second respondent in auction sale notice dated 22.02.2019 in pursuant to the auction sale notice in Survey No.333/2 and 333/3, measuring to an extent of 3810 sq.ft.

For Petitioner : Mr.G.Murugendran

For Respondents : Mr.M.Karthikeyan
Additional Government Pleader for R1 & R2

O R D E R

According to the petitioner, she is the owner of the property bearing Survey Nos.333/2 & 333/3, measuring to an extent of 3810 sq.ft situated in Thiruchengode Village. In this Writ Petition, the petitioner challenges the impugned auction sale notice dated 22.02.2019, on the ground that no notice has been served and without attaching the subject matter of the property, the second respondent has brought the property for auction-cum-sale. Hence, the action of the second respondent is illegal and without jurisdiction and therefore, the impugned auction-cum-notice is liable to be quashed.

2. The learned Additional Government Pleader would submit that if the petitioner is aggrieved by the auction, she can approach the Sale Officer under Rule 135 of the Tamil Nadu Co-operative Societies Rules, by making her claim or objections and without exhausting such remedy, filing of Writ Petition before this Court is not maintainable.

3. Rule 135 (2) of the Tamil Nadu Co-operative Societies Rules, stipulates that "where the property to which the claim or objection relates has been advertised for sale, the Sale Officer may postpone the sale pending the investigation of the claim or objection". Since the auction will be held on 27.03.2019, the petitioner is directed to approach the Sale Officer on or before 27.03.2019, and raise all her objections and claims. If such objections /claims filed by the petitioner on or before 27.03.2019, the Authority concerned shall consider the same under Rule 135 of the Tamil Nadu Co-operative Societies Rules.

4. With the above observations, the Writ Petition is dismissed. There is no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

r n s

To

1. The Deputy Registrar,
Co-operative Society,
Office of the Assistant Registrar,
Sudhakaran Complex, Vellore Road,
Tiruchengode,
Namakkal District - 637 211.

2. Co-operative Sub Registrar /
Inspection and Sale Officer,
Tiruchengode Circle Co-operative,
Deputy Registrar Office,
CHB Colony, Velur Road,
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Namakkal District.

+1 cc to M/s.G.Murugendran, Advocate, SR No.28390 (27/03/2019)

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KAN(CO)
SSM(26/03/2019) (27/03/2019).



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