

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.03.2019

CORAM

THE HON'BLE MR. JUSTICE D. KRISHNAKUMAR

W.P.No.8619 of 2019

and

WMP.No.9145 of 2019

S.Ramani

... Petitioner

Vs.

1.The Deputy Registrar of Co-operative Societies,
Office of the Co-operative Societies
Deputy Registrar,
Tiruchengode Circle,
Tiruchengode Taluk,
Namakkal District.

2.The Sub Registrar of Co-operative/Field Officer,
Kabilar Malai/Sales Officer,
S.1067 Jameen Elampalli Primary Agricultural
Co-operative Credit Society Limited,
Jameen Elampallai (Post) 637 201,
Paramathi Velur Taluk,
Namakkal District.

3.The Chairman,
S.1067 Jameen Elampalli Primary Agricultural
Co-operative Credit Society Limited,
Jameen Elampalli (Post) 637 201.
Paramathi Velur Taluk,
Namakkal District.

...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the auction notice in Form-8 and Form-9 dated 13.02.2019 issued by the first respondent and quash the same, consequently issued direction directing the first respondent to dispose the petitioner's objection dated 28.02.2019 following Rule 135 & Section 167(1) of Tamil Nadu Co-operative Societies Act r/w Order 21 Rule 58 of CPC.

For Petitioner	:	Ms.Shashe for Mr.R.Marudhachalamurthy
For Respondents	:	Mr.Bala Ramesh Special Government Pleader

O R D E R

The petitioner has filed the Writ Petition praying to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the auction notice in Form-8 and Form-9 dated 13.02.2019 issued by the first respondent and quash the same, consequently issued direction directing the first respondent to dispose the petitioner's objection dated 28.02.2019 following Rule 135 & Section 167(1) of Tamil Nadu Co-operative Societies Act r/w Order 21 Rule 58 of CPC.

2. According to the learned counsel for the petitioner, the petitioner made an objection dated 28.02.2019, under Rule 135 & Section 167(1) of Tamil Nadu Co-operative Societies Act r/w Order 21 Rule 58 of CPC. So far no order has been passed. Hence, the present Writ Petition is filed before this Court.

3. The learned Special Government Pleader appearing for the respondents submitted that the said objection submitted by the petitioner will be considered on merits and in accordance with law.

4. It is made clear that Rule 135(2) provides that any objection or claim is presented by the parties concerned, the said auction sale is postponed. Therefore, the authorities have to take note of the said provisions and to take appropriate decision for the postponement of the auction.

5. Without expressing any opinion on merits, this Court is inclined to direct the second respondent to consider the objection dated 28.02.2019 of the petitioner and pass appropriate orders as expeditiously as possible preferably within a period of three weeks from the date of receipt of a copy of this order.

6. With the above observations, this Writ Petition stands disposed of. However, there shall be no order as to costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

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To

1.The Deputy Registrar of Co-operative Societies,
Office of the Co-operative Societies
Deputy Registrar,
Tiruchengode Circle,
Tiruchengode Taluk,
Namakkal District.

2.The Sub Registrar of Co-operative/Field Officer,
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3.The Chairman,
S.1067 Jameen Elampalli Primary Agricultural
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Jameen Elampalli (Post) 637 201.
Paramathi Velur Taluk,
Namakkal District.

+1cc to Mr.R.Marudhachalamurthy, Advocate, S.R.No. 28934

+1cc to Mr. R.Balaramesh,Advocate, S.R.No. 28654

WP. No.8619 of 2019

VBA (CO)
GN (22/05/2019)

सत्यमेव जयते

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