

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 13.06.2019

CORAM:

THE HONOURABLE DR. JUSTICE G.JAYACHANDRAN

Writ Petition No.14861 of 2019
and WMP.Nos.14851 & 14848 of 2019

S.Santhi

Petitioner

Vs

The Mannadipet Commune
Co-operative Housing Society Ltd.,
Rep., by its President,
Villupuram Main Road,
Co-Operative Nagar,
Kalitheerthalkuppam,
Puducherry.

Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of certiorari call for the records of the respondent's order dated 29.01.2019 and quash the same as illegal or pass suitable orders.

For petitioner : Mr.D.Senthilkumar

For Respondent : Mr.A.V.Ramalingam
Additional Government Pleader

ORDER

The petitioner herein has filed the present writ petition challenging the auction notice issued by the respondent Co-operative society.

2 The learned counsel appearing for the respondent would submit that the writ petition is not maintainable against the Co-operative society and the order passed by the respondent can be challenged before the Registrar of Co-operative Society as per the statute. When there is an appeal remedy available, the writ petition is not maintainable.

3 The perusal of the affidavit indicates that there is a grievance for the petitioner that the respondent Society has not properly calculated the interest for the loan she has availed. However, from the communication between the petitioner and the

respondent clearly shows that the petitioner who has availed the loan in the year 2007, has not paid the monthly installment regularly.

4 In the light of the above facts, the petitioner's remedy lies elsewhere not before this Court. Therefore, the writ petition is dismissed. No costs. Consequently, the connected Miscellaneous Petitions are closed.

5 For challenging the impugned order, liberty is given to the petitioner to approach the appropriate authority. Status quo as on date shall be maintained till 15.07.2019.

6 If no appeal is preferred before the competent authority within the said date, it is open to the respondent to proceed with recovery process.

Sd/-
Assistant Registrar (Insp.Cell)

//True Copy//

Sub Assistant Registrar

sbn/rpl

To

The President,
The Mannadipet Commune
Co-operative Housing Society Ltd.,
Villupuram Main Road,
Co-Operative Nagar,
Kalitheerthalkuppam,
Puducherry.

+1 cc to Mr.D.Senthilkumar, Advocate, S.R.No.47930

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NMI (CO)
SSM(14/06/2019)

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