



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **27.11.2019**

CORAM:

THE HONOURABLE **MR. JUSTICE M. SUNDAR**

W.P. (MD) No.12598 of 2012

and

M.P. (MD) No.1 of 2012

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B.Pechiammal

... Petitioner

Vs.

1.The Registrar of Co-operative Society (Housing),
Tamil Nadu Housing Board Building,
2nd Floor, Annexure,493, Anna Salai,
Nandanam, Chennai-600 035.

2.The Deputy Registrar (Housing),
10-A7, Singam Buildings,
Trivandrum High Road,
Tirunelveli-627 002.

3.The Secretary (in-charge),

O 309, Tuticorin Melur-Co-operative Housing Society,
198 A, Puthugramam, Tuticorin-3.

... Respondent

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus forbearing the third respondent herein from bringing the property situated in Survey No.304 in Kumaragiri Village, Tuticorin Taluk and District having an extent of 1505 sq.ft under auction and also not to take any coercive steps in recovering the dues payable by the petitioner in any manner except by due process of law, pursuant to the representation dated 01.09.2012.

For Petitioner : Mr.S.J.Chakravarthy

for Mr.T.Muruganantham

For Respondents : Mr.K.MU.Muthu

Additional Government Pleader

ORDER

Mr.S.J.Chakravarthy representing Mr.T.Muruganantham learned Counsel on record for writ petitioner and Mr.K.MU.Muthu, learned Additional Government Pleader on behalf of all the three respondents are before this Court.

2. With the consent of learned Counsel on both sides, main writ petition is taken up, heard out and is being disposed of.

3. Considering the nature of submission made by learned State Counsel, it is not necessary to go into or dilate on facts, because learned State Counsel submits that the same writ petitioner has filed another writ petition through the same Counsel with regard to the same issue with the same prayer. The other writ petition is W.P.(MD)No.12601 of 2012 and the same came to be dismissed by a Honourable Single Judge of this Court on 21.07.2014. The order dated 21.07.2014 in the aforesaid W.P.(MD)No.12601 of 2012(as placed before this Court by learned State Counsel) is as follows:



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 21.07.2014

CORAM:

THE HONOURABLE MR.JUSTICE S.SAGANUTHU

W.P.(MD)No.12501 of 2012

and

M.P.(MD)No.1 of 2012

22/8/14

M.Pitchaimalai

.. Petitioner

Vs.

1.The Registrar of Co-operative Society
(Housing), Tamil Nadu Housing Board Bldg.,
2d Floor Annaswami, 493, Anna Salai,
Nandanam, Chennai-600 035.

2.Deputy Registrar (Housing),
16-A 7, Sangan Buildings,
Trivandram High Road,
Tirumalvelli-627 001.

3.Secretary (in-charge),
01309, Tuticorin Nalor Co-operative
Housing Society,
198-A, Puthugramam,
Tuticorin-3.

... Respondents

Writ petition under Article 226 of the Constitution, praying for issuance of a writ of mandamus, restre respondent from bringing the house property situated in sur Kumaragiri Village, Tuticorin Taluk and District, of an 4 cents and 3.72 cents under Auction and Also not to take steps in recovering the dues payable by the petitioner, if except by due process of law, pursuant to the represent 01.09.2012.

For Petitioner : Mr.T.Muruganathan

For Respondents : Mr.S.Chendrasekaran,
Government Advocate.

ORDER

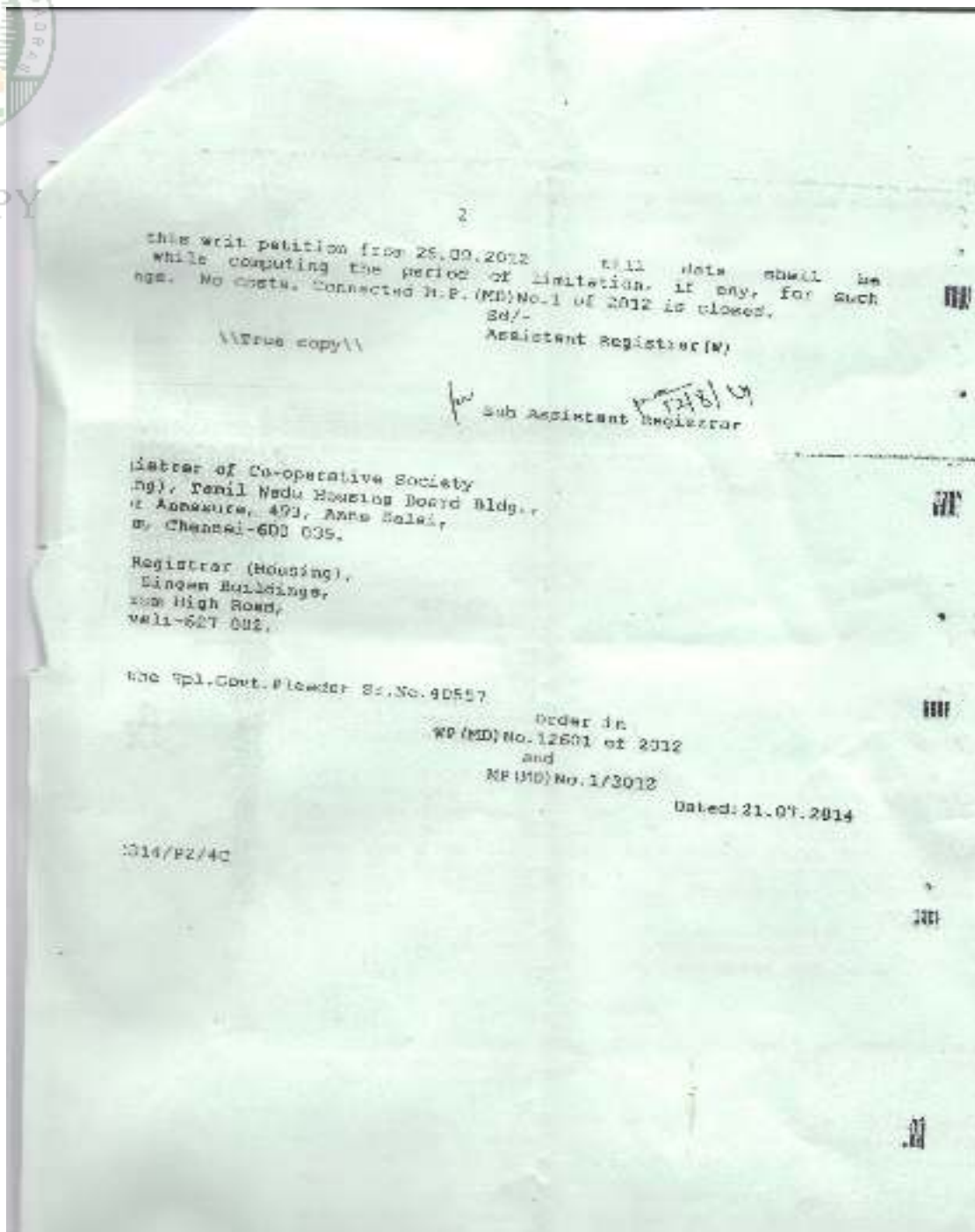
The relief sought for in this writ petition is in well notice issued under Rule 182(2) of the Tamil Nadu Societies Rules, 1988.

2.In my considered opinion, this writ petition is not maintainable because the petitioner has alternative remedy under the Tamil Nadu Co-operative Societies Act, 1964.

3.In view of the same, the writ petition is dismissed, however, with liberty to the petitioner to



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This Court has no hesitation in holding that such a practice deserves to be deprecated.

4. In the light of narrative thus far, instant Writ Petition is dismissed. Though this is a fit case for imposing costs, <https://hcservs.ecs.gov.in/hcservs> nature of the matter and in the light of the fervent



plea made by the learned Counsel for writ petitioner, this Court refrains itself from imposing costs. Consequently, connected Miscellaneous Petition is also dismissed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar (CS)

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To

1.The Registrar of Co-operative Society (Housing),
Tamil Nadu Housing Board Building,
2nd Floor, Annexure,
493, Anna Salai,
Nandanam, Chennai-600 035.

2.The Deputy Registrar (Housing),
10-A7, Singam Buildings,
Trivandrum High Road,
Tirunelveli-627 002.

+1CC To M/S. T.Muruganantham, Advocate, Sr.No.10766

+1cc to Spl.Govt. Pleader, Sr.No.102388

W.P. (MD) No.12598 of 2012

27.11.2019

SMA/11/12/19/4P/5C