

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.06.2020

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.3321 of 2018

and

WMP.Nos.4066 and 4067 of 2018

U.Rameshwari

... Petitioner

Vs.

1. The District Registrar of
Cooperative Societies (Housing),
Advaitham Asram Road, Salem.

2. The Deputy Registrar of Co-operative
Societies, Attur,
Salem District.

3. The Secretary,
No.94, Attur Town Co-operative Bank,
Attur, Salem District.

4. The General Manager,
No.94, Attur Town Co-operative Bank,
Attur, Salem District.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorarified Mandamus, calling for the records of the second respondent impugned order dated 30.10.2008 and quash the same and also direct the 3rd respondent to reconvey the petitioner's house property situate in S.No.292/4 in Sendarapatti Village, Thammampatti Taluk, Salem District.

For Petitioner : Mr.S.Murugan

For Respondent : Mr. L.P.Shanmugasundaram
Special Government Pleader
R1 to R4

O R D E R

This writ petition has been filed challenging the proceedings of the second respondent dated 30.10.2008 wherein a sale certificate has been issued by the second respondent in favour of the highest bidder.

2. The writ petitioner had borrowed a housing loan in the year 1993 from the third respondent and she did not repay back the amount. The third respondent proceeded to issue notice and bring the property which was mortgaged, for sale. An auction was conducted in the year 2008 and a certificate of sale was issued by the second respondent on 30.10.2008. This

certificate of sale has been challenged before this Court in the year 2018.

3. Heard Mr.S.Murugan, learned counsel for the petitioner and Mr.L.P.Shanmugasundaram, learned Special Government Pleader for the respondents 1 to 4.

4. In the considered view of this Court, this writ petition is not maintainable for two reasons. One reason is that there is nearly a delay of 10 years in challenging the sale certificate issued by the second respondent and there is absolutely no explanation given in the affidavit for such an enormous delay. The second reason is that the petitioner had an alternative remedy under Section 152 of the Tamil Nadu Co-operative Societies Act and this was also not availed. This Court does not find any merits in this writ petition.

5. In the result, this Writ Petition is dismissed. Consequently, connected miscellaneous petitions are closed. No costs.

Sd/-

Assistant Registrar (CO MDU)

//True Copy//

Sub Assistant Registrar

Rli

To

1. The District Registrar of Cooperative Societies (Housing), Advaitam Asram Road, Salem.
2. The Deputy Registrar of Co-operative Societies, Attur, Salem District.
3. The Secretary, No.94, Attur Town Co-operative Bank, Attur, Salem District.
4. The General Manager, No.94, Attur Town Co-operative Bank, Attur, Salem District.

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