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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.09.2021

CORAM

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

AND

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.A.NO.2449 OF 2021

L.Indira

... Appellant

vs

1. The Registrar of Co-operative Societies,
Office of the Registrar of Co-operative Societies,
No.170, EVR Periyar Road, Kilpauk,
Chennai 600 010.
2. The Managing Director,
Chennai Central Co-operative Bank Ltd.,
No.215, Prakhasam Salai,
Chennai 600 108.
3. The Branch Manager,
Chennai Central Co-operative Bank Ltd.,
Thirumangalam Branch,
Anna Nagar, Chennai 600 040.
4. The Assistant Manager,
Chennai Central Co-operative Bank Ltd.,
Thirumangalam Branch,
Anna Nagar, Chennai 600 040.
5. The Superintendent of Police,
CCIW, CID, Anna Nagar,
Chennai 600 040

... Respondents

Prayer : Writ Appeal filed under clause 15 of the Letters Patent to set aside the order dated 11.06.2021 made in W.P.No.10129 of 2016.



WP.NO.10129/2016

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the Respondents 2 to 4 herein to forthwith return the Petitioner's Jewels consisting of 27 items (52 Sovereigns), which were pledged under Jewel Loan A/C No.233135193 dated 19.02.2013 with the 3rd Respondent Bank on Payment of the balance Principal amount along with interest till date.

For Appellant : Ms.A.L.Ganthimathi
For Respondents-1 & 5 : Mr.D.Ravichander,
State Government Counsel
For Respondents-2 to 4 : Mr.L.P.Shanmugasundaram

JUDGMENT

[Judgment of the Court was delivered by PUSHPA SATHYANARAYANA, J.]

This Writ Appeal is directed against the order of the learned Single Judge dated 11.06.2021 made in W.P.No.10129 of 2016, wherein, the writ petitioner sought for a direction to respondents 2 to 4 to return her jewels, which were placed against the jewel loan A/c.No.233135193 dated 19.02.2013 on payment of balance of the principal amount along with interest till date.

2. The only ground raised by the appellant/writ petitioner is that there was no notice before the jewels were sold by the respondents. While disposing the said writ petition, the learned Single Judge had found that there was no auction notice published in "Malai Malar" dated 12.07.2014 by the respondents intimating about the auction to be held on 17.07.2014, though the actual auction was conducted only on 26.07.2014. Now, the appellant /writ petitioner disputes the number of jewels or even the weight in terms of grams of jewels. The learned Single Judge also held that these disputed question of facts, cannot be decided by this Court under Article 226 of the Constitution of India and granted liberty to the writ petitioner to approach the District Registrar of Co-operative Societies (Credit), Chennai - 108 by filing suitable application under Section 90 of the Tamil Nadu Co-operative Societies Act, 1988 within a period of 30 days from the date of receipt of a copy of that order.

3. The learned counsel appearing for the appellant agreed that the appellant can agitate the dispute before the District Registrar of Co-operative Societies (Credit), Chennai - 108.



4. Accordingly, the said liberty granted by the learned Single Judge in paragraph 16 of the order dated 11.06.2021 made in W.P.No.10129 of 2016, is confirmed and the writ appeal is disposed of. It is made clear that 30 days period would operate from the the date of receipt of a copy of this judgment. No costs.

srn

-sd/-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1. The Registrar of Co-operative Societies,
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+1 C.C. to M/S.AL.GANTHIMATHI, SR.NO.50916/2021

+1 C.C. to MR.GOVERNMENT PLEADER SR.NO.51284/2021

W.A.No.2449 of 2021

JPL(CO)
PM(21/10/2021)

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