



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.12.2021

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P. (MD) No.22791 of 2021

and W.M.P(MD)No.19252 of 2021

WEB COPY

A 1880, Krishnapuram Silk and Cotton Weavers,
Co-operative Production and Sales Society Limited,
20, Krishnapuram Colony, 2nd Street,
Madurai 625 014.

Rep. by its Managing Director

... Petitioner

vs.

1.The Deputy Registrar of Co-operative Societies,
Madurai Circle, 41, Krishna Rao Tank Road,
Madurai 625 001.

2.The Sale Officer,
Office of the Deputy Registrar of Co-operative Societies,
Madurai Circle, 41, Krishna Rao Tank Road,
Madurai 625 001.

3.The General Manager,
N 975, Madurai District Central Co-operative Bank Limited,
187, North Veli Street,
Madurai 625 001.

... Respondents

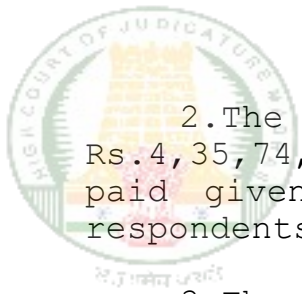
PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to E.P.No.94/2009-2010, dated 07.12.2021, initiated by the second respondent, quash the same and consequentially, direct the respondents to drop the action.

For Petitioner : Mr.T.Ravichandran

For Respondents : Mr.D.Ghandiraj
Special Government Pleader

O R D E R

The writ petition has been filed in the nature of Writ of Certiorarified Mandamus, seeking interference with an order, dated 07.12.2021 in E.P.No.94/2009-2010 of the second respondent/The Sale Officer, Office of the Deputy Registrar of Co-operative Societies, Madurai Circle, 41, Krishna Rao Tank Road, Madurai and to set aside the same.



2.The impugned notice had stated that there is a due of Rs.4,35,74,402/- by the petitioner's society and such due has to be paid given within a period of thirty days, failing which, the respondents would bring the properties of the petitioner for sale.

3.The learned counsel for the petitioner stated that they are also intending to sell the properties.

4.This naturally means that both the petitioner and the respondents are in the same page insofar as the sale of properties are concerned. Whether the petitioner sells the property or the respondents sells the property, still there is convey of the property. But still, the fact is that when the properties are to be sold and there is objection raised by the petitioner for the same, the petitioner has an another alternative, namely to pay off the money, which is admittedly due. If he pays off the money, then the property cannot be sold. The issues are entirely between the petitioner and the respondents. This Court has no role in the matter. It is also stated that without challenging the notice in the execution petition, the writ petition is not maintainable.

5.Accordingly, the Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Sji

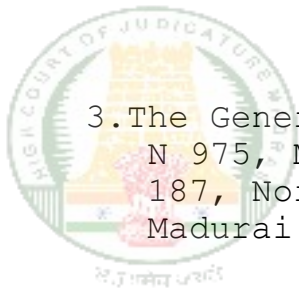
Note:

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

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RK(05/01/2022) 3P/4C