



W.P.No.29948 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.11.2022

CORAM :

THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.29948 of 2022

V.Dharmaraj

.. Petitioner

Vs

- 1.The Registrar,
Registrar of Co-operative Societies,
NV Natarajan Maaligai,
No.170, Periyar EVR High Road,
Poonamallee High Road,
Kilpauk, Chennai-600 010.
- 2.The Joint Registrar,
O/o. The Joint Registrar of Co-operative Societies,
Nepal Street,
Kallakurichi CMS Complex,
Kallakurichi District-606 202.
- 3.The Deputy Registrar,
O/o. The Deputy Registrar of Co-operative Societies,
Teachers Colony,
Thirukovilur Taluk,
Kallakurichi District.



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4.The Secretary,
Nainarpalayam Primary Agricultural
Co-operative Society Bank,
Nainarpalayam Village,
Chinnasalem Taluk-606 301,
Kallakurichi District.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing respondents 1 and 4 to consider and pass orders on the representation dated 22.10.2022 submitted by the petitioner requesting to cancel the auction held on 28.09.2022 in connection with E.P.No.33/2013-14, by Nainarpalayam Co-operative Society Bank by falsely adding the petitioner's property in Survey Nos.111/3A & 111/3F of Keelkuppam Village, Chinnasalem Taluk, Kallakurichi District to an extent of 3.10 Acres instead of 23 cents owned by the judgment debtor Ravichandran in the same survey number.

For the Petitioner : Mr.V.R.Appaswamee

For the Respondents : Mr.P.Muthukumar
State Government Pleader

ORDER

(Order of the court was made by the Hon'ble Acting Chief Justice)

Mr.P.Muthukumar, learned State Government Pleader, takes notice on behalf of the respondents.



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2. The petitioner, V.Dharmaraj, son of Vaiyapuri Goundar, has filed this writ petition seeking issuance of a writ of mandamus to direct respondents 1 and 4 to consider and pass orders on the representation of the petitioner dated 22.10.2022.

3. It is the claim of the petitioner that his father, Vaiyapuri Goundar, has purchased a property to an extent of 3.33 acres out of 8.40 acres in Survey No.111/3(part) of Keelkuppam Village, Chinnasalem Taluk, Kallakurichi District from one Periyasamy Muppar in the year 1974 under a registered sale deed bearing Document No.883/1974 on the file of the Sub-Registrar, Chinnasalem. The aforesaid survey number was sub-divided into seven separate survey numbers, namely S.No.111/3A, 111/3B, 111/3C, 111/3D, 111/3E, 111/3F and 111/3G. The petitioner's father became the owner of the land of an extent of 3.33 acres in Survey Nos.111/3A and 111/3F and a separate patta was issued in his favour.



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4. It is stated that the petitioner's father sold an extent of 23 cents out of 3.33 acres in Survey Nos.111/3A and 111/3F in favour of one Ravichandran and his two brothers, namely Balachandran and Udayashankar. Based on the said sale, a joint patta was issued in the names of the aforesaid three persons and the petitioner's father. After the demise of the petitioner's father, the petitioner became the owner of the property by inheritance and he has been in possession and enjoyment of the same.

5. Learned counsel for the petitioner would submit that since the said Ravichandran, who was working as a Secretary in the fourth respondent/cooperative society, suffered surcharge proceedings under Section 87 of the Tamil Nadu Co-operative Societies Act, his property to an extent of 23 cents alone is liable to be auctioned as per law, but the property belonging to the petitioner, which is in no way connected to the surcharge proceedings, has also been brought for public sale and, therefore, a detailed representation dated 22.10.2022 has been given to the third respondent, namely the Deputy Registrar of Co-operative



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Societies. He pleaded that the third respondent may be directed to dispose of the representation expeditiously.

6. After going through the joint patta filed before this court and the sale deed executed in favour of Ravichandran and his two brothers in respect of 23 cents, we hereby direct the third respondent to consider the representation of the petitioner dated 22.10.2022 and dispose of the same on merits and in accordance with law as expeditiously as possible.

The writ petition is disposed of accordingly. There will be no order as to costs. Consequently, W.M.P.No.29347 of 2022 is closed.

(T.R., ACJ.) (D.B.C., J.)
11.11.2022

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