



W.P.No.35078 of 2022

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.12.2022

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THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

**W.P.No.35078 of 2022
and
W.M.P.Nos.34527 & 34528 of 2022**

J. Sowmiya

... Petitioner

Vs.

1. The Registrar,
Co-operative Department (Housing Section),
V.V.P.Nagar,
Thattanchavady Post,
Puducherry-605 009

2. The Administrator,
Puducherry Health Employees
Co-operative Housing Society ltd.,
Thattanchavady,
Puducherry

... Respondents



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PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writs, Orders or Directions and in particular issue a Writ of Certiorarified Mandamus after calling for the concerned records relating to the e auction notification dated 12.12.2022 issued by the 2nd respondent published daily Dinamalar News paper and quash the same and consequently direct the 1st respondent to consider the petitioner's representation dated 21.12.2022 and decide the same within the stipulated time that may be fixed by the Hon'ble Court.

For Petitioner : M.Gnanasekar

For Respondents : Mr.P.S.Kohtandaraman,
Government Advocate for R1.

: Mr.R.Sreedhar,
Addl. Government Pleader (Puducherry)

O R D E R

This Writ Petition is filed praying for a Writ of Certiorarified mandamus seeking to quash the impugned e-auction notification dated 12.12.2022 which was issued by the 2nd respondent published in daily Dinamalar News paper and to direct the first respondent herein to consider the petitioner's representation dated 21.12.2022 and pass appropriate orders



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on the same within the time that may be stipulated by this Court.

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2. Mr.P.S.Kothandaraman, learned Government Advocate takes notice for the first respondent and Mr.R.Sreedhar, learned counsel takes notice for the Second respondent.

3. It is the case of the petitioner that her mother late Tmt.Vasanthy has worked as a staff Nurse in T.B.Sanitorium Hospital Government of Puducherry Health Employee's Co-operative Housing Society Limited No.P.No.533 situated at No.262 Maraimalai Adigal Salai, Arunthathi Nagar, Puducherry-13. The petitioner's mother was allotted a plot No.47 on 05.08.1990 by the Society, in response to which, she paid advance amount. The allotment certificate was also issued on 01.03.1993. Since the entire amount was not paid in respect of the property in question, and in the meanwhile, since the petitioner's mother passed away, the Society took steps to bring the property by way of auction, inspite of the fact that the petitioner was ready to pay the balance amount in respect of the said property. Initially



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the property was brought under auction, vide auction notice dated 25.08.2021. Subsequently, the petitioner had approached the 2nd respondent society. Thereafter, the auction proceedings was stopped by the Deputy Registrar (housing section) of the Co-operative Department of the Government of Puducherry, vide proceedings dated 07.09.2021.

4. In the meantime, the petitioner and her brother filed N.M.D.No.3 of 2021 before the Registrar of Societies, Pondicherry praying for allotment of alternative plot and the same, is still pending. In the meantime, the respondent/authorities have taken steps to bring the property in question under sale by issuing e-auction notification dated 12.12.2022. The petitioner being a legal heir, has made a representation, dated 21.12.2022 to the 1st respondent praying not to proceed further with e-auction notification dated 12.12.2022 till the disposal of the NMD No.3/2021 pending on the file of the Registrar of co-operative society Puducherry and further to allot the said plot in favour of the petitioner. However, till date, the first respondent has not taken any action on the said



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representation of the petitioner. Hence, the present Writ Petition has been filed.

5. Heard the learned counsel appearing for the parties and perused the materials placed before this Court.

6. It is submitted by both the learned counsels for the respondents that the said representation of the petitioner would be considered and orders will be passed thereon in accordance with law.

7. In view of the above submission of the respondents and taking into consideration the facts and circumstances of the case and the limited relief sought for in this Writ Petition, there shall be a direction to the first respondent herein to consider the petitioner's representation dated 21.12.2022, on its own merits and pass appropriate orders in accordance with law, on or before 04.01.2023. It is made clear that this Court has not expressed any views with regard to the merits of the representation and it is



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open to the 1st respondent to consider the representation on its own merits.

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8. With the above direction, the Writ Petition stands disposed of.

No costs. Consequently, connected Miscellaneous Petitions are closed.

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Index : Yes / No

Speaking Order : Yes / No

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MOHAMMED SHAFFIQ, J.

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