



WEB COPY



W.P.No.22182 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :28.07.2023

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THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P.No.22182 of 2023
and
W.M.P.No.21572 of 2023

M.Lingappa

...Petitioner

Vs.

1.The Deputy Registrar
Co-operative Societies
Cheyyar
Thiruvannamalai District.

2.The Managing Director/Administrator
C-4712, Arani Co-Operative Town Bank Limited,
Arani, Thiruvannamalai District-632 301.

3.The Auction Sale Officer,
C-4712, Arani Co-Operative Town Bank Limited,
Arani, Thiruvannamalai District-632 301.

..Respondents.

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned sale notice issued by the 3rd respondent in one issue



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of Tamil Daily “Dinakaran” Thiruvannamalai Edition dated 01.07.2023 in respect of the petitioner's dwelling house situate in Arani Town bearing S.No.E/12, T.S.No.147, 148 New Sub-Division E/12, T.S.No.147/2 with vacant site and terraced house east to west 18 ½ feet North to South 35 feet totalling 647 ½ Sq.ft(60.17 sq. metres) boundaries on the East by Kalyani House, West by Saroja Ammal House North by Kalyani House and south by Dharmaraja Koil Street, scheduled to be conducted on 10.08.2023 at 11.00 AM in the office of 3rd respondent Co-operative bank and quash the same as illegal and consequently direct the District Principal Court (Co-operative Tribunal Thiruvannamalai to dispose of the petitioner's Appeal in CMA No.50 of 2022 pending on the file of Principal District Court (Co-operative Tribunal) Tiruvannamalai.

For Petitioner : Mr.M.Venkadesh
For Respondent 1 : Mr.P.Anandha Kumar
Government Advocate
For Respondents 2 &3 : Mr.R.Siddharth
Government Advocate

ORDER

The writ petition is filed challenging the auction sale notice issued by the 3rd respondent bringing the property of the petitioner for sale in execution of surcharge order passed against the petitioner.



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2. It is the case of the petitioner that challenging the surcharge order passed against him, he filed an appeal before the learned Principal District Court (Co-operative Tribunal), Thiruvannamalai in C.M.A.No.50/2022 and the same is pending.

3. It is also the case of the petitioner that along with the appeal he filed an application seeking stay of execution of the surcharge order in I.A.No.2 of 2022 and the same is pending as contesting respondent failed to file counter. In the meantime, the 3rd respondent issued impugned auction notice against the petitioner's dwelling house.

4. In view of the facts narrated above, without going into the merits of the case, this Court is inclined to issue a direction to the learned Principal District Court(Co-Operative Tribunal), Thiruvannamalai to dispose of the I.A.No.2 of 2022 in C.M.A.No.50 of 2022 on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order.



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5. Till then, the petitioner is entitled to interim protection and the 3rd respondent shall not proceed with the impugned auction.

6. With the above observations, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

28.07.2023

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
nr

To

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S.SOUNTCHAR, J.
nr

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