



WEB COPY



W.P.No.27763 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :08.09.2023

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THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P No.27763 of 2022 and
W.M.P.Nos.27056 and 27057 of 2022

R. Sasireka

...Petitioner

Vs.

1. The Deputy Registrar of Co-operative Society
Salem Circle, Salem
2. The Sale Officer /. Co.op Sub Registrar,
Office of the Deputy Registrar of Co-operative Societies,
Salem Circle, Salem
3. The Special Officer / President,
S411 Sooramangalam Primary Agricultural Co-operative Bank Ltd.
Sooramangalam, Salem – 636 005.

4. B. Arulanandam

...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 of the first respondent relating to Demand Notice and Conditional Attachment Order 167 of the Act dated 05.01.2007 in E.P.593/2006-07 (ARC No.1190/06-07) and the consequential sale notice dated 12.09.2022 in E.P.593/2006-07 (ARC No.1190/2006-07) issued by the 2nd respondent, quash the same and issue consequential direction to the respondents 1 to 3 to release the property of the



W.P.No.27763 of 2022

petitioner comprised of Housing plot No.84 in Survey No.60/1 and 70/2 in Bodinaickanpatti Village, Salem Taluk and District measuring an extent 1955 Sq.ft and the house thereon from attachment and sale.

For Petitioner	: Mr.R.Thamaraiselvan
For Respondents 1 &2	: Mr.R.U.Dinesh Rajkumar Additional Government Pleader
For Respondent 3	: Ms.Amirta Dinakaran

ORDER

The petitioner has come up with this writ petition challenging the order passed by the 1st respondent bringing the property of the petitioner for sale in E.P. No.593 of 2006-07 in pursuance of surcharge order passed in ARC.No.1190/2006-07, against her husband.

2.The impugned auction notice was challenged by the petitioner mainly on the ground that the property was purchased by the petitioner on 04.12.2003, out of her own funds and the same cannot be attached in execution of surcharge order passed against the 4th respondent, who is the husband of the petitioner. If the petitioner asserts any independent right to the property, it is for her to file appropriate Claim Petition before the Competent Authority under Rule 135 of Tamil Nadu Cooperative Societies Rules, 1988. In view of the availability of effective alternative remedy before the Statutory



W.P.No.27763 of 2022

Authority under Rule 135 of Tamil Nadu Cooperative Societies Rules, 1988,
the present writ petition filed by the petitioner cannot be entertained.

3. Accordingly, the writ petition is dismissed with liberty to the petitioner to file a Claim Petition before the Competent Authority under Rule 135 of Tamil Nadu Cooperative Societies Rules, 1988 within a period of two weeks from the date of receipt of copy of this order. In case, the petitioner fails to file any claim petition within the time stipulated above, the respondents are at liberty to proceed against the petitioner in pursuance of the impugned auction notice.

4. With the above directions, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

08.09.2023
(2/2)

Index : Yes/No

Internet : Yes/No

Speaking Order/Non-Speaking Order

Neutral Citation Case : Yes/No

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Note: Issue order copy on 11.09.2023



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W.P.No.27763 of 2022

S.SOUNTHAR, J.
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To

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