



W.P(MD)No.13115 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 19.09.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.13115 of 2015

and

M.P.(MD)No.1 of 2015

M.Malaichamy

... Petitioner

Vs.

1.The Deputy Registrar (Housing),
Virudhunagar Region,
Virudhunagar District.

2.The Secretary,
N.N. 21 Sivagangai Co-Operative
Building Society Ltd.,
Sivagangai.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the entire records in connection with the Impugned Sale Notice passed by the 1st Respondent dated 11.06.2015 and quash the same as illegal.

For Petitioner : Mr.D.Anbarasu

For Respondents : Mr.A.Muthukaruppan for R2.
Mr.S.Shanmugavel,
Addl. Government Pleader for R1.



W.P(MD)No.13115 of 2015

ORDER

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Heard both sides.

2.The petitioner had availed loan from the second respondent society. He committed default. The matter was referred to arbitration under Section 90 of the Tamil Nadu Cooperative Societies Act, 1983. An arbitral award was passed against the petitioner as early as in the year 2004. Since the petitioner failed to satisfy the award, the property was brought to auction. Questioning the same, the present writ petition came to be filed. Interim order was granted on condition. The petitioner complied with the condition only partly.

3.After going through the materials on record and the counter affidavit filed by the first respondent, I indicated to the learned counsel for the petitioner that I may not be inclined to interfere with the impugned order. The learned counsel for the petitioner sought time so as to get instructions from the petitioner. I am of the view that the case need not be adjourned for that purpose.



W.P(MD)No.13115 of 2015

4.This writ petition is dismissed with liberty to the petitioner to avail the alternative remedy of appeal. If any appeal is filed before the competent authority / forum within a period of three weeks from the date of receipt of a copy of this order, the same will be entertained without reference to limitation. No costs. Consequently, connected miscellaneous petition is closed.

19.09.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:-

- 1.The Deputy Registrar (Housing),
Virudhunagar Region,
Virudhunagar District.
- 2.The Secretary,
N.N. 21 Sivagangai Co-Operative
Building Society Ltd.,
Sivagangai.



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W.P(MD)No.13115 of 2015

G.R.SWAMINATHAN, J.

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