



W.P(MD)No.23825 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.01.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.23825 of 2022

and

W.M.P.(MD)Nos.17908 and 17910 of 2022

Vasudevan

... Petitioner

Vs.

1.The Deputy Registrar of Cooperative Societies,
Musiri, Trichy District.

2.The President,
Thuraiyur Cooperative Village Credit Bank,
Thuraiyur, Trichy District.

... 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 records pertaining to the impugned auction notice issued by the 1st respondent dated 09.09.2022 and the consequential auction notice published in the Tamil Daily News Paper (Dinakaran, Trichy Edition), dated 23.09.2022 in Thi.Ma.Ku.Ve. No.041/2022 in so far as the housing plot measuring to an extent of 2175 1/4 sq. feet comprised in Survey No. 309/2, situated at Kalipatti Village, Singalanthapuram, Thuraiyur Taluk, Trichy District and quash the same as illegal.



W.P(MD)No.23825 of 2022

For Petitioner : Mr.T.Lenin Kumar

For Respondents : Mr.B.Saravanan,
Addl. Government Pleader.

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ORDER

Heard the learned counsel on either side.

2.The petitioner questions the impugned auction notice issued by the first respondent. The impugned proceedings are an outcome of the award suffered by the petitioner. Questioning the award, the petitioner had filed civil miscellaneous appeal before the Cooperative Tribunal. It was dismissed for default. Steps for restoration have not been taken. In these circumstances, the first respondent has no other option but to bring the property in question for sale. When the primary order is still holding good, challenge to the consequential proceedings is clearly not maintainable. The writ petition stands dismissed. The petitioner is always at liberty to approach the respondents to negotiate for reduction of his liability. No costs. Consequently, connected miscellaneous petitions are closed.

03.01.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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W.P(MD)No.23825 of 2022

G.R.SWAMINATHAN, J.

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