



WA No.2218 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.09.2024

CORAM

THE HON'BLE MR.JUSTICE S.S.SUNDAR

AND

THE HON'BLE MR.JUSTICE K.RAJASEKAR

WA No.2218 of 2022

K.A.Manoharan : Appellant

versus

- 1.The Principal Secretary to Government,
Housing & Urban Development Department,
Fort St.George, Chennai 9
- 2.The Registrar (Housing)
48, Ritherdon Road, Vepery, Chennai 600 007
- 3.The Deputy Registrar (Housing)
873, Gandhi Nagar East, Vellore 632 006
- 4.The Authorised Officer/Secretary,
S.945, Hosur Cooperative House Building Society Ltd.,
Appavu Nagar, Thalli Road, Hosur 635 109
- 5.Loganathan : Respondents

Prayer: Appeal filed against the order of this Court in WP No.26017 of 2021 dated 08.12.2021.



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For Appellant : Mr.T.Sundaravadanam
For Respondents 1 to 3 : Mr.P.Mutukumar,
Additional Advocate-General
assisted by Mr.G.Krishna Raja, A.G.P.
No appearance for respondents 4 & 5

JUDGMENT

(Made by S.S.SUNDAR, J.)

This appeal is directed against the order of learned Single Judge in WP No.26017 of 2021, dated 08.12.2021, praying for the issuance of a Writ of Certiorarified Mandamus to quash the sale notice dated 23.11.2021 published in E-tender official website of Tenders Tamil Nadu and consequently direct respondents 1 to 3 to take necessary action against respondents 4 and 5 for selling the property of the society without conducting annual general body meeting of the society.

2. In the counter-affidavit filed before the learned Single Judge, the respondents have referred to several documents which would show that a portion of property of the society was brought to sale by e-auction for a reasonable price, after following due procedures. It is also to be noted that sufficient extent of land is also retained by the



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society for the purpose of construction of a new building for putting-up administrative office of the society. After taking a decision, the same was also sent for approval to the Registrar of Cooperative Societies who has also given his nod, vide communication dated 17.11.2021.

3. It was only thereafter, the society issued tender notice dated 23.11.2021, which is impugned in the writ petition.

4. After recording the facts as borne out from records, learned Single Judge held that the society can go ahead with the public auction as initiated by the impugned notice. Since the property was not properly described in the notice, the writ petition was disposed of with a further direction to the respondents to issue corrigendum to the impugned notice to ensure that the existing building to the value of Rs.17,16,540/- is also included for the purpose of selling the same along with the vacant land of 10,075 sq.ft. Aggrieved by the same, the original writ petitioner has preferred the above appeal.

5. Even though an interim order was granted by this Court vide order dated 03.09.2024, we vacated the same finding that there is no



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public interest involved in this writ petition and that the appellant is a person who has come forward to stall the decision of the society to sell the property for commercial utility.

6. This Court finds no merit in this appeal. However, we direct the society to issue a fresh notification, with the full description of the property, so that the property of the society would fetch a fair price.

7. The writ appeal stands dismissed. There will be no order as to costs. Consequently, CMP Nos.16718 and 16722 of 2022 are closed.

(S.S.S.R., J.) (K.R.S., J.)
10.09.2024

Index : Yes/No
Neutral Citation : Yes/No
tar



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