



W.P.(MD) No.21594 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.11.2024

CORAM:

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.(MD) No.21594 of 2016

and

W.M.P.(MD) Nos.15440 and 15466 of 2016

M.Ramalakshmi

.. Petitioner

Vs.

- 1.The Registrar of Co-operative Societies,
Chennai.
- 2.The Joint Registrar of Co-operative Societies,
Lady Doak College Salai,
Madurai-2.
- 3.The Deputy Registrar of Co-operative Societies,
Usilampatti at Thirumangalam,
Thirumangalam Taluk & Post,
Madurai District.
- 4.The Sub Registrar (Co-operative Societies),
A-1596, Peraiyur Primary Agriculture
Co-operative Society,
Peraiyur, Madurai District.
- 5.S.Radhakrishnan,
Secretary,
No.1596, Peraiyur Primary Agriculture



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Co-operative Society,
Peraiyur Post & Taluk, Madurai District.

.. Respondents

***[R5 – substituted vide Court order dated 20.01.2023 in W.M.P.
(MD) No.5496 of 2021 in W.P.(MD) No.21594 of 2016]***

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, calling for the records of the impugned order of eviction passed by the third respondent herein in his proceedings in Na.Ka.No.1618/2016/ஈ.பி. dated 21.10.2016 and the consequential order dated 04.11.2016 passed by the fifth respondent herein and quash the same and further direct the respondents herein not to interfere with the petitioner's peaceful possession and enjoyment in Shop No.1, Peraiyur Primary Agriculture Co-operative Society Commercial Complex, Peraiyur, Madurai District.

For Petitioner	:	Mr.Vashik Ali for Mr.A.Vigneshwar
For R1 to R4	:	Mr.J.K.Jeyaseelan Government Advocate
For R5	:	Mr.R.Murugan

ORDER

This writ petition has been filed seeking for a writ of certiorari to quash the impugned proceedings dated 21.10.2016, wherein the



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petitioner was directed to evict the premise, since only after following the due process of grant of lease, the premise could be leased.

2. It is the case of the petitioner that by a lease agreement dated 09.02.2016, the petitioner had been granted lease by the fifth respondent leasing out the premise for a period of 15 years and by the impugned order, the said registered lease deed is sought to be interdicted.

3. This writ petition filed by the petitioner to protect her right under the lease deed cannot be entertained under Article 226 of the Constitution of India. However, he has a right to approach the appropriate civil Court seeking remedy in the manner known to law. Considering the fact that a *status quo* had been granted by this Court while admission, the *status quo* shall continue for a further period of two months within which period, the petitioner shall approach the appropriate civil Court seeking appropriate remedy. If no proceedings are initiated by the petitioner in the manner known to law, it is open to the fifth respondent to proceed further with the notice impugned in this writ petition.



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4. With the aforesaid observation, this Writ Petition is disposed of.

There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

18.11.2024

NCC : Yes/No

Index : Yes/No

Internet : Yes

abr

To

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K.KUMARESH BABU, J.

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