



W.P.(MD).No.28016 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.11.2024

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.28016 of 2024
and WMP(MD) Nos.23763, 23764 & 23769 of 2024

1. M. Kasparaj

2. K.Mary Elizapath

... Petitioners

Vs

1. The Registrar of Co-Operative Societies,
No. 170, NV Natarajan Maaligai,
Periyar Evr High Road,
Poonamallee High Road,
Kilpauk, Chennai – 600 010.

2. The Joint Registrar of Co-Opeative Societies,
Thoothukudi Region,
No. 39b, 1st Floor, Annai Nursing Societies Upstairs,
T.R.Naidu Street,
Thoothukudi, Thoothukudi District.

3. M/s. A.393 Kovilpatti Co-Operative Urban Bank Limited,
Rep. by its Administrative Officer,
No. 101, New Road,
Kovilpatti - 628501,
Thoothukudi District.



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4. The Sale Officer / Joint Registrar,
Joint Registrar of Cooperative Societies Office,
Kovilpatti - 628501,
Thoothukudi District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the Impugned Letter dated 18.11.2024 issued by the 3rd Respondent and quash the same and thereby direct the 3rd Respondent to conduct public auction of these petitioners properties to realize amount regarding the Loan Account No. 4200 and 4450 on his file in accordance with procedure established under Law.

For Petitioners : Mr. Rajesh Saravanan
for Mr.M.Arumugam

For Respondents : Mr.T.Amjad Khan (R1, R2 & R4)
Government Advocate

ORDER

Challenging the impugned letter, dated 18.11.2024 issued by the 3rd Respondent and to direct the 3rd Respondent to conduct public auction of these petitioners' properties to realize amount regarding the Loan Account No. 4200 and 4450, in accordance with the procedure, this writ petition has been filed.



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5.The learned Government Advocate appearing for the respondents 1, 2 and 4 submitted that already auction was scheduled to be held on 18.11.2024 and the all the procedures had been followed in accordance with law. Only the auction was postponed, therefore, it is not necessary to re-do the entire process. However, if the petitioners are insisting to do the same, the respondents have no impediment to follow the entire procedure.

6.However, the learned counsel for the petitioners submitted that the petitioners have already paid a sum of Rs.26 lakhs and the remaining loan amount along with interest will be paid by them on or before 30th January, 2025. Till then, the respondent shall not proceed with the auction process.

7.Considering the submission made by the learned counsel for the petitioners, I hereby direct the respondents to postpone the auction till 30th January, 2025. If the petitioners fail to make a full satisfaction of the loan amount on or before the aforesaid date, the respondents are at liberty to proceed further in accordance with law.



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8. With the above direction, this writ petition stands disposed of.

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

22.11.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes

Note: Issue order copy on today

PNM

To

1. The Director of Municipal Administration,
Chepauk, Chennai - 600 005.

2. The Regional Director of Municipal Administration,
Melakkal Main Road,
Kochadai,
Madurai 625 016.

3. The District Collector,
Madurai District @ Madurai.

4. The Commissioner,
Thirumangalam Municipality,
Thirumangalam,
Madurai District.



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L.VICTORIA GOWRI, J.

PNM

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