



W.P(MD)No.1233 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.10.2025

CORAM

THE HONOURABLE MS.JUSTICE P.T.ASHA

Writ Petition(MD)No.1233 of 2018
and W.M.P(MD).Nos.1319 and 1320 of 2018

S.Suman

... Petitioner

Vs

- 1.The Registrar of Cooperative Societies,
E.V.R.Maligai,
Kilpauk, Chennai.
- 2.The Joint Registrar of Cooperative Societies,
Kajamalai, Mannarpuram,
Trichy.
- 3.The Deputy Registrar of
Cooperative Societies,
Musiri Circle, Musiri,
Trichy.
- 4.The Sale Officer,
Office of the Cooperative Deputy Registrar,
College Road, Vadugapatti,
Elango Nagar, Musiri,
Trichy District.
- 5.963 Thulaiyanatham Primary
Agricultural Cooperative Credit Society,



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rep., by its President,
Thulaiyanatham,
Musiri Taluk, 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 sale notice (form No.8) in Ne.Ma.No.4/2017-18 and (form No.9) in Ne.Ve.Manu No.4/2017-18 dated 22.12.2017 issued by the third respondent and quash the same.

For Petitioner : Mr.T.Leninkumar

For Respondents : Mrs.D.Farjana Ghoushia
Special Government Pleader

ORDER

This writ petition has been filed to quash the impugned auction sale notice (form No.8) in Ne.Ma.No.4/2017-18 and (form No.9) in Ne.Ve.Manu No.4/2017-18 dated 22.12.2017 issued by the third respondent.

2. It is the case of the petitioner that his father, namely, Sivalingam, was working as Clerk in the fifth respondent Cooperative Bank and he was suspended on the allegation that he along with one Murugesan, Secretary of the



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said Bank, had misappropriated the funds of the Society to the tune of Rs.5,81,10,505/-. Upon enquiry, the petitioner's father was found to be liable to part of that amount ie., Rs.3,26,04,131/-. The third respondent vide his proceedings in Ne.Ma.No.7/2014-15 dated 08.12.2016 attached the property belonged to the petitioner's family. Following the same, the third respondent vide his proceedings in Ne.Ve.Manu.No.7/2014-15 dated 18.12.2016 issued auction sale notice in respect of the petitioner's family property. Since the property in question is the ancestral property, the petitioner and other legal heirs filed a claim petition before the fourth respondent and the said claim petition had come to be dismissed. Pursuant to the same, the third respondent vide order dated 22.12.2017 in Ne.Ve.Manu.No.4/2017-18, once again brought the property in question for auction sale. Challenging the same, the petitioner is before this Court.

3. Heard the learned counsel on either side and perused the materials available on record.



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4. Considering the facts and circumstances of the case, this Court is of the view that there are disputed questions involved in this matter and the same should be adjudicated only by way of filing a suit. The petitioner without filing a suit, has rushed into filing this writ petition. Hence, this Writ Petition is dismissed with a direction to the petitioner to file a suit within a period of two weeks from the date of receipt of a copy of this order. Time taken for prosecuting this writ petition shall be excluded while calculating the period of limitation. The petitioner shall move an appropriate application in the suit for the purpose of interim relief and till such time, the respondent shall not proceed with the auction proceedings with regard to the property attached. It is also made clear that in the event if the suit is not filed within the given time, it is open to the respondent to proceed with the auction. No costs. Consequently, connected Miscellaneous Petitions are closed.

28.10.2025

NCC : Yes/No

Index : Yes/No

Rmk



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P.T.ASHA, J.

Rmk

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