



W.P.(MD)No.23555 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.23555 of 2024

E.Chitra

: Petitioner

Vs.

1. The Joint Registrar of Cooperative Society,
Virudhunagar Region, Virudhunagar.

2. The Deputy Registrar of Co-Operative Society,
Srivilliputhur, Virudhunagar District.

3. The Secretary,
Sp Spl.38, W.Pudhupatti Primary
Agricultural Co-Operative Credit Society,
W.Pudhupatti,
Virudhunagar District.

4. Sankarasubbu

5. T.Vanaja

: Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order passed by the 3rd respondent in NIL dated NIL (Booked on 10.09.2024 and received by the petitioner on 12.09.2024) and quash the same as illegal, arbitrary and non-application



W.P.(MD)No.23555 of 2024

of mind and consequently direct 3rd respondent to issue NOC to the petitioner in respect of the independent loan amounts borrowed by the 4th and 5th respondent to which the petitioner or her property is no way connected.

For Petitioner : Mr.A.Balaji

For Respondents : Mr.J.K.Jeyaseelan

Government Advocate for R1 & R3

Mr.P.T.Thiraviam

Government Advocate for R2

ORDER

This writ petition has been filed challenging the order of rejection passed by the third respondent rejecting to issue a “No Objection Certificate” with respect to the loan amount borrowed by the respondents 4 and 5.

2. The petitioner purchased the properties situated in S.Nos. 794/4, 898/1, and 898/2, which collectively measure an extent of 4 acres and 40 $\frac{1}{4}$ cents, through a registered sale deed in Doc.No. 2010/2012, which was duly registered at the Watrap Sub-Registrar Office. The petitioner, in the course of proceeding with the sale and intended transaction, applied for an Encumbrance Certificate with respect to the



W.P.(MD)No.23555 of 2024

WEB COPY

forementioned properties. Upon receipt of the Encumbrance Certificate, the petitioner was informed that there are two outstanding loans attached to the properties, which are yet to be cleared. In the light of this information and in order to proceed with the sale of the property, the petitioner was informed that obtaining 'No Objection Certificate (NOC)' from the third respondent was a mandatory requirement for the transaction. The petitioner approached the third respondent and formally requested for the issuance of NOC for the pending loans. However, despite repeated requests, the third respondent has not issued the NOC, thereby hindering the petitioner's legitimate rights to deal with the property and further delaying the sale process. Aggrieved by the same, the present writ petition has been filed.

3. The learned Government Advocate, appearing on behalf of the respondents 1 and 3, submitted that any order passed under the Tamil Nadu Cooperative Societies Act is appealable under Section 152 of the Tamil Nadu Cooperative Societies Act. Section 152 provides a statutory remedy to aggrieved parties by allowing them to file an appeal before the Cooperative Appeal Tribunal.



W.P.(MD)No.23555 of 2024

WEB COPY

4. Upon considering the above submissions, this Court finds that the petitioner has an alternate remedy available under Section 152 of the Tamil Nadu Cooperative Societies Act, which provides for an appeal before the Cooperative Appeal Tribunal against any order passed under the Act. As such, the petitioner is required to exhaust the statutory remedy before seeking relief through a writ petition.

5. Accordingly, this Writ Petition stands disposed of and the petitioner is granted liberty to file an appeal before the Cooperative Appeal Tribunal for appropriate redressal within one month from the date of receipt of a copy of this order. Upon receipt of such an appeal, the Appellate Tribunal is directed to pass an appropriate order within six months thereafter. There shall be no order as to costs.

03.03.2025

Index : Yes / No

Internet : Yes / No

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W.P.(MD)No.23555 of 2024

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W.P.(MD)No.23555 of 2024

VIVEK KUMAR SINGH, J.

PKN

W.P.(MD) No.23555 of 2024

03.03.2025