IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.07.2015

CORAM:

THE HON'BLE MR.JUSTICE T.RAJA

W.P.No.19664 of 2015
AND M.P.NO.1 OF 2015

C.Krishnamoorthy ... Petitioner

Vs.

1. The Deputy Registrar of
Co.operative Societies,
Coimbatore Region,

2. The Sub Registrar of Co.operative Societies,
Criminal/Sale Officer,
O/o.the Deputy Registrar of
Cooperative Societies,
Coimbatore Region,

3. The President,
CC2243, Lakshmi Machine Works
Employees Co-operative Thrift and
Credit Society Limited,
Coimbatore. ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking for the relief of issuance of writ of Certiorari to call for the records relating to the impugned notice in E.P.No.3/2013 sa ba-3 in SC.No.1/2013/ sa. ba-1 dated 26.05.2015 issued by the 2nd respondent and quash the same.

For Petitioner : Mr.S.Aravind Kumar
For Respondents: Ms.T.P.Savitha,Govt.Advocate
for RR.1 and 2
Mr.L.P.Shanmugasundaram
for R.3

ORDER

This writ petition is directed against the impugned notice in E.P.No.3/2013/sa ba-3 in SC.No.1/2013/sa ba-1 dated 26.05.2015 issued by the Sub-Registrar of Cooperative Societies, Criminal/Sale Officer, Coimbatore, the 2nd respondent herein, in and by which the 2nd respondent has fixed the date of auction and time as 7.7.2015 at 10.30 a.m to sell the petitioner's residential house.

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2. Learned counsel appearing for the petitioner finding fault with the impugned notice dated 26.5.2015 submitted that the petitioner was subjected to enquiry under Section 81 of the Tamil Nadu Co.operative Societies Act, 1983. On filing of report by the Enquiry Officer, the 1st respondent passed an order in S.C.No.1/2013/Sa.Ba1, dated 16.5.2014 holding the petitioner and two other persons are responsible for the loss and misappropriation and directed them to pay a sum of Rs.30,36,886/- and a further sum of Rs.8,25,872/- in respect of other charges. The petitioner, aggrieved by the said order dated 16.5.2015, has filed an appeal in C.M.A.No.7 of 2015 on the file of District Court, Coimbatore under Section 152(1)(a) of the Tamil Nadu Cooperative Societies Act, 1983, (in short, ''the Act'') along with an application in I.A.No.25 of 2015 for stay of further proceedings under Section 152(6) of the Act. Hence, a direction may be issued to the learned District Judge, Coimbatore to consider the application in I.A.No.25 of 2015 in C.M.A.No.7 of 2015 on the file of learned District Judge, Coimbatore.

3. Heard the learned Government Advocate appearing for respondents 1 and 2 and also the learned counsel appearing for the 3rd respondent.

4. It appears that the 3rd respondent Cooperative Society also has entered appearance in the appeal in C.M.A.No.7 of 2015 pending for consideration before the District Court, Coimbatore and also taken time to file counter. However, pending the said appeal filed by the petitioner, the impugned notice is issued fixing the auction on 7.7.2015 to sell the petitioner's residential house.

5. Therefore, considering the facts and circumstances of the case, the learned District Judge, Coimbatore is directed to consider the stay application filed by the petitioner in I.A.No.25 of 2015 in C.M.A.No.7 of 2015 and pass orders on merits and in accordance with law within a period of four weeks from the date of receipt of copy of this order. Till then, the impugned order shall be kept in abeyance.

6. The writ petition stands disposed of accordingly. It is needless to mention that any observation made in this order will not have any bearing upon the appeal in C.M.A.No.7 of 2013, which is pending for consideration before the learned District Judge, Coimbatore. No costs. Consequently, the connected miscellaneous petition stands closed.

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-s/d-
Assistant Registrar(CS-II)

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Sub-Assistant Registrar

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To

1. The Deputy Registrar of
   Co.operative Societies,
   Coimbatore Region,

2. The Sub Registrar of Co.operative Societies,
   Criminal/Sale Officer,
   O/o.the Deputy Registrar of
   Cooperative Societies,
   Coimbatore Region,

3. The President,
   CC2243, Lakshmi Machine Works
   Employees Co-operative Thrift and
   Credit Society Limited,
   Coimbatore.

4. The District Judge,
   Coimbatore.

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W.P.No.19664 of 2015

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