

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 30.09.2015

CORAM

THE HONOURABLE MR. JUSTICE N.KIRUBAKARAN

W.P.No.30702 OF 2015 &

M.P.Nos. 1 & 2 of 2015

Sankari

[PETITIONER]

Vs

- 1 The Deputy Registrar of Cooperative Societies
Tirupattur 635 601
Vellore District.
- 2 The Deputy Registrar of Coop. Societies
No.6 Thulasingham Street
Sankarampalayam, Vellore 632 001.
- 3 The Sale Officer
Office of the Deputy Registrar Office
No.6,Thulasingham Street
Sankarampalayam
Vellore-632 001
- 4 The President
C-2555 Valathur Primary Agricultural
Cooperative Bank
Valathur Village and Post
Gudiyatham Taluk, Vellore District

[RESPONDENTS]

Writ petition is filed under Article 226 of the Constitution of India praying for a writ of certiorari to call for the records on the file of the 3rd respondent dated 27.8.2015 made in CEP No.17/2003-04 dated 5.8.2003 Surcharge No.01/2002-03 dated 3.9.2001 in Form No.9 and quash the same.

For Petitioner : Mr.S.Sairam

For Respondents : Mr.L.P.Shanmugasundaram
Spl.Govt. Pleader

O R D E R

With the consent of the learned counsel appearing on either side, the Writ Petition is taken up for final disposal at the admission stage itself.

2.The petitioner's husband was working as Secretary of the fourth respondent Society and for certain irregularities which took place between the period from 1988 and 2001, the petitioner's husband and other staff were departmentally proceeded with and the petitioner's husband was removed from service. Thereafter, the first respondent initiated surcharge proceedings against the petitioner's husband and a sum of Rs.10,70,847/- was slapped on the petitioner's husband. With regard to the said liability, the properties which are standing in the name of the petitioner were sought to be brought for auction today (30.09.2015). Therefore, the petitioner has come before this Court.

3.Mr.S.Sairaman, learned counsel appearing for the petitioner submits that without issuing any notice to the petitioner, her properties were sought to be brought for auction and therefore, this Court directed Mr.L.P.Shanmugasundaram, learned Special Government Pleader to verify as to whether any Application has been filed by the petitioner under Rule 135 of the Tamil Nadu Co-operative Societies Rules (in short 'Rules'), before the third respondent herein.

4.Today when the matter is taken up for hearing, Mr.L.P.Shanmugasundaram, learned Special Government Pleader on instructions fairly submitted that the petitioner has already filed an Application under Rule 135 of the Rules and as per the procedure, without disposal of the Application filed under Rule 135 of the Rules, no proceedings could be continued.

5.In that view of the matter, the third respondent is directed to defer the proceedings initiated against the petitioner and after affording fair and reasonable opportunities to the petitioner, pass appropriate orders on the Application filed by the petitioner under Rule 135 of the Rules. If any adverse order is passed on the said Application, sufficient time should be granted the petitioner to work out her remedy. It is made clear that the third respondent shall defer the proceedings initiated against the petitioner till any order is passed on the Application filed by the petitioner under Rule 135 of the Rules and till the limitation to file any appeal or revision before the appropriate forum.

The Writ Petition is disposed of on the above terms. No costs. Consequently, connected Miscellaneous Petition is closed.

-sd/-

ASSISTANT REGISTRAR(CS-II)

/ TRUE COPY /

SUB-ASSISTANT REGISTRAR

To

- 1 The Deputy Registrar of Cooperative Societies
Tirupattur 635 601
Vellore District.
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Cooperative Bank
Valathur Village and Post
Gudiyatham Taluk, Vellore District

+1 CC to Mr. L.P.Shanmugasundaram Advocate. SR.NO. 53421
+1 CC to Govt.Pleader. SR.NO.53395

W.P.No.30702 OF 2015

CO-TS
JD 14/10/2015

सत्यमेव जयते

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