

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 30.09.2015

Coram :

The Hon'ble Mr.Justice N.KIRUBAKARAN

W.P.No.30894 of 2015
and M.P.No.1 of 2015

V.G.Rajendran

..Petitioner

vs

1.The Deputy Registrar of Coop. Societies,
Vellore Circle, Vellore,
Vellore District.

2.The Sale Office / Coop Sub Registrar,
O/o Deputy Registrar of Coop. Societies,
Vellore Circle, Vellore,
Vellore District.

...Respondents

Writ Petition is filed under Article 226 of the Constitution of India for issue of writ of certiorari calling for the entire records relating to the impugned order passed by the 2nd respondent in his proceedings C.E.P.No.158/2005-2006 - Surcharge No.11/2005-06 dated 27.08.2015 and quash the same.

For Petitioner : Mr.C.Prakasam

For Respondents : Mr.L.P.Shanmugasundaram
Special Govt. Pleader (Coop.)

O R D E R

The petitioner is said to have committed misappropriation of funds and other offences while working as a Secretary Incharge of Bharatharami Primary Agricultural Coop. Credit Society, Bharatharami. Departmental actions have been taken against the petitioner and he was dismissed from services and criminal proceedings has also ended in conviction and the same was confirmed by this Court. Surcharge proceedings have been initiated and the petitioner's liability was fixed at Rs.51,93,180/- and to recover the said amount, the second respondent issued sale notice of his property for public auction on 05.10.2015. The said order is being challenged before this Court.

2. Heard Mr.C.Prakasam, learned counsel appearing for the petitioner and Mr.L.P.Shanmugasundaram, learned Special Govt. Pleader appearing for the respondents.

3. Mr.L.P.Shanmugasundaram, learned Special Govt. Pleader would submit that earlier also the petitioner tried to still the auction proceedings by filing W.P.No.9211 of 2009 and the same was dismissed by this Court by order dated 18.09.2009.

4. Though it is stated that an appeal has been filed against the said order, so far no stay order has been produced. Hence, the petitioner is liable to pay the amount demanded by the 2nd respondent. The respondents have justified in bringing the property for auction and there is no occasion for this court to interfere with the same.

5. In the result, this writ petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

-Sd/-

Assistant Registrar

//True copy//

Sub Assistant Registrar

rgr
To

1.The Deputy Registrar of Coop. Societies,
Vellore Circle, Vellore,
Vellore District.

2.The Sale Office / Coop Sub Registrar,
O/o Deputy Registrar of Coop. Societies,
Vellore Circle, Vellore,
Vellore District.

+1 cc to Mr.C.Prakasam,Advocate(sr.53424)

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LRS (co)
cp 16/10/2015