

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.12.2015

CORAM

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

W.P. No.37721 of 2015
and
M.P.Nos.1 and 2 of 2015

R.Natarajan

... PETITIONER

Vs

1. The Deputy Registrar of Co-operative Societies
Omalur Division, Katcheri Street,
Omalur, Salem District
2. The President,
S-8541, Thathiyampatti Primay Agri.Co-op.Bank
Chikkanampatti,
Omalur Taluk,
Salem District

... RESPONDENTS

PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue Writ of Certiorari calling for the records pertaining to the demand notice of the first respondent dated 26.10.2015 in E.P.No.17 of 2009-2010 and quash the same.

For Petitioner : Mr.C.K.M.Appaji

For Respondents : Ms.T.P.Savitha,
Government Advocate

O R D E R

By consent of the learned counsel on either side, the writ petition is taken up for final disposal.

2. Heard Mr.C.K.M.Appaji, learned Counsel appearing for the petitioner and Ms.T.P.Savitha, learned Government Advocate appearing for the respondents 1 and 2.

3. The petitioner has challenged the demand notice dated 26.10.2015, which is a consequence notice to the surcharge proceedings dated 29.07.2015. As long as the surcharge proceedings are not challenged, the proceedings to execute such an order cannot be put to challenge, except on grounds in which execution proceedings can be challenged. However, in the grounds raised in the Writ Petition all that the petitioner states is that he was not at all aware of the surcharge proceedings and no notice was served on him at any point of time and after a lapse of 10 years, the petitioner came to know only when the impugned notice was served.

4. However, this is not a ground to quash the notice issued in E.P.No.17 of 2010. The petitioner if aggrieved by the surcharge proceedings should independently challenge the same before the appropriate forum. Hence, the grounds raised by the petitioner to quash the impugned demand cannot be sustained. Accordingly, the Writ Petition stands dismissed. However, it is open to the petitioner to work out his remedy under the provisions of Tamilnadu Cooperative Societies Act, 1983 and the rules framed therein. Consequently, connected miscellaneous petitions are closed. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

srn

To

1. The Deputy Registrar of Co-operative Societies
Omalur Division, Katcheri Street,
Omalur, Salem District

+1cc to Mr.C.K.M.Appaji, Advocate, S.R.No.65846

+1cc to Mr.L.P.Shanmugasundaram, Advocate, S.R.No.65776

+1cc to the Government Pleader, S.R.No.65846

W.P. No.37721 of 2015

MSM(CO)

CA(18/12/2015)