

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.12.2015

CORAM

THE HON'BLE Mr. JUSTICE M.M.SUNDRESH

W.P.No.40614 of 2015

Seralathan

.. Petitioner

Vs.

- 1 The Deputy Registrar of
Cooperative Societies, Krishnagiri
Krishnagiri District
- 2 The Sale Officer/Cooperative
Sub Registrar, Office of The Deputy
Registrar of Cooperative Societies ,
Krishnagiri Krishnagiri District
- 3 The President
D.K.78 Anjur Primary Agricultural
Cooperative Bank , Anjur Post , Krishnagiri
Taluk , Krishnagiri District
- 4 The Sub Registrar
Registration Department , 231 , Textile Market,
Back side, Burgur , Krishnagiri District

.. Respondents

Petition filed under Article 226 of The Constitution of India praying to issue a writ of certiorari calling for the records on the file of the 1st respondent in Surcharge order No.2/2002 Sa.Pa.1 dated 26.3.2008 and attachment and auction sale notice Nos.8 & 9 of immovable property in E.P.No.480/2008-2009 issued Rule 126 of Tamilnadu Cooperative Societies Rules 1988 by the 2nd respondent dated 22.5.2015 and quash the same.

For Petitioner .. Mr.S.Sairaman

For R1 to R4 .. Mr.T.P.Saritha
Govt.Advocate

ORDER

The petitioner, who was the then Director has come forward to file this writ petition challenging the Surcharge order No.2/2002 dated 26.3.2008 and the consequential attachment and sale notice dated 22.5.2015.

2. Though the learned counsel appearing for the petitioner submitted that some other person has already approached this Court and obtained interim order, this Court is not inclined to entertain this writ petition for two reasons. Firstly, the consequential order issued by the respondent is a Co-operative Society and therefore, no writ would lie. Secondly, as against the Surcharge order, the remedy is available before the Tribunal.

3. However, considering the submissions made and the Surcharge proceedings has been initiated against the number of other persons including the petitioner, who was directed at the relevant point of time, the writ petition stands disposed of by giving liberty to the petitioner to file an appeal against the Surcharge order dated 26.3.2008 within a period of four weeks from the date of receipt of a copy of this order. The period of limitation for filing the appeal is condoned on condition that the petitioner pays a sum of Rs.1 lakh to respondent Nos.2 and 3 within a period of four weeks from the date of receipt of a copy of this order. As and when, the petitioner files the appeal as indicated above, in the time granted, the appropriate authority will have to dispose of the appeal without rejecting it on the ground of limitation.

Writ petition stands disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/

ASSISTANT REGISTRAR (CCC)

/TRUE COPY/

SUB-ASSISTANT REGISTRAR

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To

- 1 The Deputy Registrar of
Cooperative Societies, Krishnagiri
Krishnagiri District

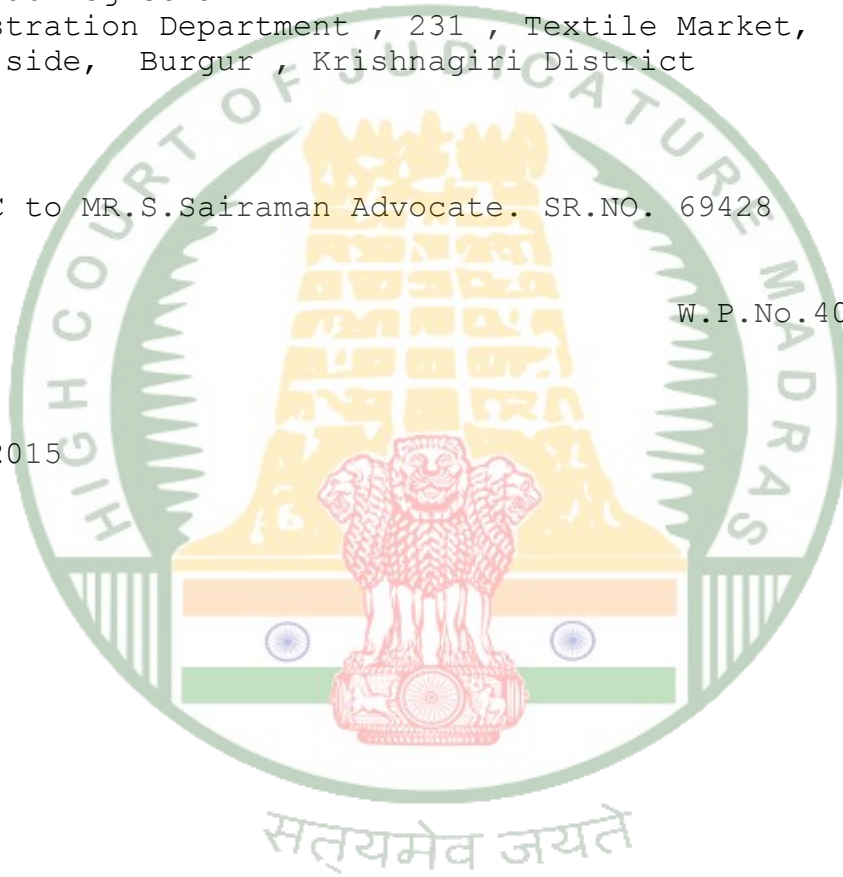
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- 2 The Sale Officer/Cooperative
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+1 CC to MR.S.Sairaman Advocate. SR.NO. 69428

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CO-KGK
JD 23/12/2015



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