

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 28.03.2016

Coram

The Hon'ble Mr.Justice T.S.SIVAGNANAM

Writ Petition No.11401 of 2016

A.Jayadevan

...Petitioner

Vs.

1. The Deputy Registrar of Co-operative Societies
Tiruthani Circle, Tiruthani
Tiruvallur District

2.The President
Veeraraghavapuram Primary Agricultural
Co-op Credit Society
Veeraraghavapuram Village
Tiruthani Taluk,
Tiruvallur District

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Certiorari to call for the entire records relating to the impugned order passed by the 1st respondent in his proceedings No. CEP 1/ 2005-2006/E1, dated 18.02.2016 and quash the same.

For Petitioner : Mr.C.Prakasam

For Respondents : Mr.L.P.shanmugasundaram, Spl.G.P

O R D E R

Heard the learned counsel for the petitioner and the learned Special Government Pleader appearing for the respondents.

2. Petitioner has filed this writ petition challenging the notice issued under Rule 126(2) of the Tamilnadu Co-operative Societies Rules, 1988. It is an admitted case that in the surcharge proceedings the petitioner has been found guilty and the amount has been detriment and the same has to be recovered from the petitioner. The petitioner has filed an appeal before the District Court/Co-operative Tribunal, challenging the surcharge proceedings, but there was an inordinate and unexplained delay in filing such appeal. The District Court is stated to have dismissed the application for condonation of

delay. As on date the petitioner has not challenged the order passed by the District Court/Co-operative Tribunal and it is stated that the petitioner is taking expeditious steps to challenge the said order. In the meantime the petitioner's property is sought to be brought for auction.

3. In this factual background, the petitioner has raised an objection under Rule 135 of the Rules before the 1st respondent. The petitioner prays that the said application may be considered and disposed of.

4. Learned Special Government Pleader accepting notice on behalf of the first respondent on instructions submitted that the 1st respondent will dispose of the application tomorrow, if the petitioner appears in person.

5. Accordingly, the relief sought for by the petitioner to quash the impugned proceedings is dismissed and there will be a direction to the petitioner to appear before the 1st respondent and urge all contentions raised by him in the application filed under Rule 135 of the Rules and the first respondent is directed to decide the same on merits and in accordance with law before the auction.

6. With the above direction, the writ petition is disposed of. No costs.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1.The Deputy Registrar of Co-operative Societies
Tiruthani Circle, Tiruthani
Tiruvallur District

2.The President
Veeraraghavapuram Primary Agricultural
Co-op Credit Society
Veeraraghavapuram Village
Tiruthani Taluk,
Tiruvallur District

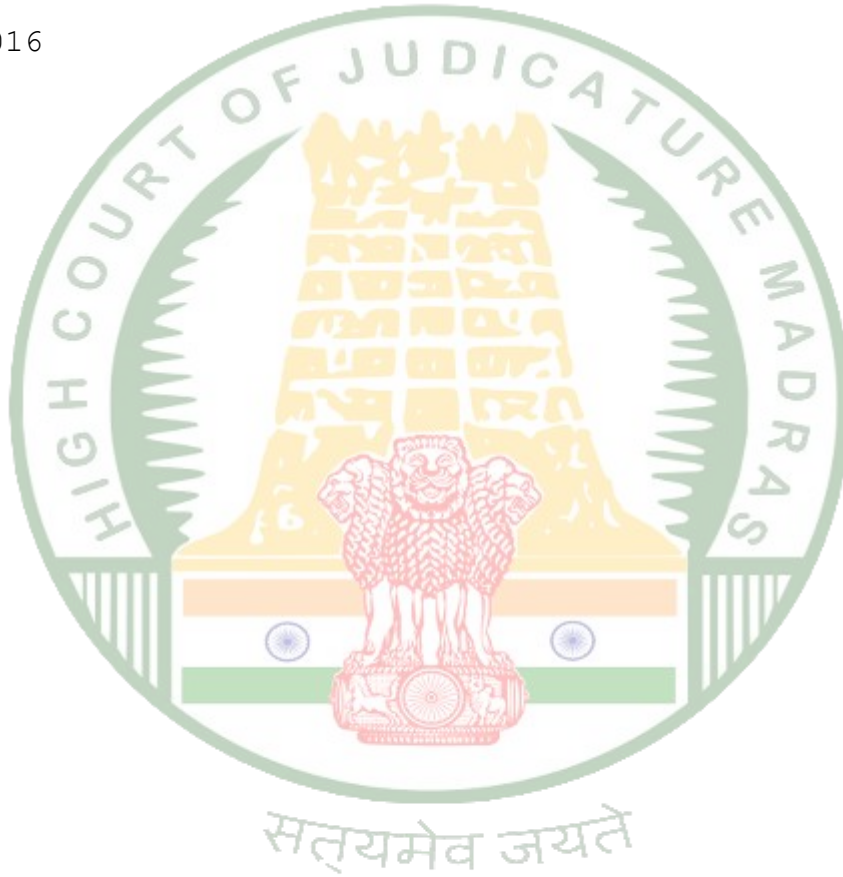
+1 cc to Mr.L.P.Shanmughasundaram Advocate sr.19066

+1 cc to Mr.C.Prakasam Advocate sr.4471

+ 1 cc to The Govt.Pleader, Sr 19158 (29/3/16)

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