

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.01.2016

CORAM :

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE

AND

The Hon'ble MR.JUSTICE M.SATHYANARAYANAN

W.A.Nos.1595, 1596 and 2242 of 2003

The Special Officer

K.445 Kothamangal Primary

Agricultural Co-operative Bank,

Kothamangalam,

Sathyamangalam Taluk,

Erode District.

... Appellant in all WAs.

(C.T.Accepted under order of this

court dated 29.04.2003 in WA MP

2404/2003.)

-vs-

1.Sellammal

... 1st Respondent in WA.1595

1.Senniappan

... 1st Respondent in WA.1596

M.Devi (Died)

1.Minor M.Rohini, rep. by the

next friend and Paternal

Grandmother, as natural guardian

Sellammal.

... 1st Respondent in WA.2242

2.The Joint Registrar

Co-operative Societies, Erode.

3.The Deputy Registrar

Co-operative Societies,

Gobichettipalayam, Erode District.

4.The Inspector of Police

C.C.I.W. Rural, Coimbatore.

5.The Inspector of Police,

Bhavanisagar Police Station,

Bhavanisagar, Sathyamangalam

Taluk, Erode District.

... Respondents 2 to 4 in all WAs.

Appeals filed under Clause 15 of the Letters Patent against the order dated 07.03.2003 made in W.P.Nos.41458, 41457 and 41459 of 2002 on the file of this Court. WP 41458/02& 41459/02:Writ petitions are filed U/A.276 of the constitution of India, pleaded to issue a writ of mandamus forbearing the respondents from bringing the properties standing in the petitioners name to sale without following the rules and

regulations contemplated under Tamilnadu-Co-Operative Act and rules and pass suit further order. WP 41457/02: Writ petition filed U/A.226 of the contribution of India pleased to issue a writ of mandamus forbearing the respondents from attaching and bringing the properties standing in the petitioner's name to sale and pass such further order.

For Appellant : Mr.MA.P.Thangavelu
For Respondents : Mrs.T.P.Savitha, G.A. For RR 2 & 3
: R-1 died in WA.1595 and 2242/03
: Mr.S.T.S.Murthi, Govt. Pleader
for RR 4 and 5

J U D G M E N T

(Judgment of the Court was delivered by The Hon'ble Chief Justice)

Learned counsel for the appellant-Society states that subsequent developments have really made the appeals infructuous, since the directions in terms of the impugned order were to prevent the society from proceeding against the properties of the deceased Murugesan, who was the Secretary of the society, without fulfilling the mandatory conditions required under Section 87 of the Tamil Nadu Co-operative Societies Act. The operation of the Single Judge's order was stayed. Subsequently, surcharge proceedings were initiated under Section 87 of the said Act and orders were passed to bring the property to public auction and it stands sold and full recovery has been made vide the proceedings in E.P.No.258 of 2012. It is also stated that no challenge was laid to the orders passed in the surcharge proceedings.

2.Learned counsel also points out that the deceased Secretary had a wife and one child and both these people have also unfortunately passed away. That would leave only the brother-in-law of the deceased, (first respondent in WA.No.1596/2003) as the contesting respondent, but he is also unrepresented and no part of his personal property is affected.

3.All the appeals are, accordingly, disposed of as having become infructuous on account of subsequent developments. No costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

sra

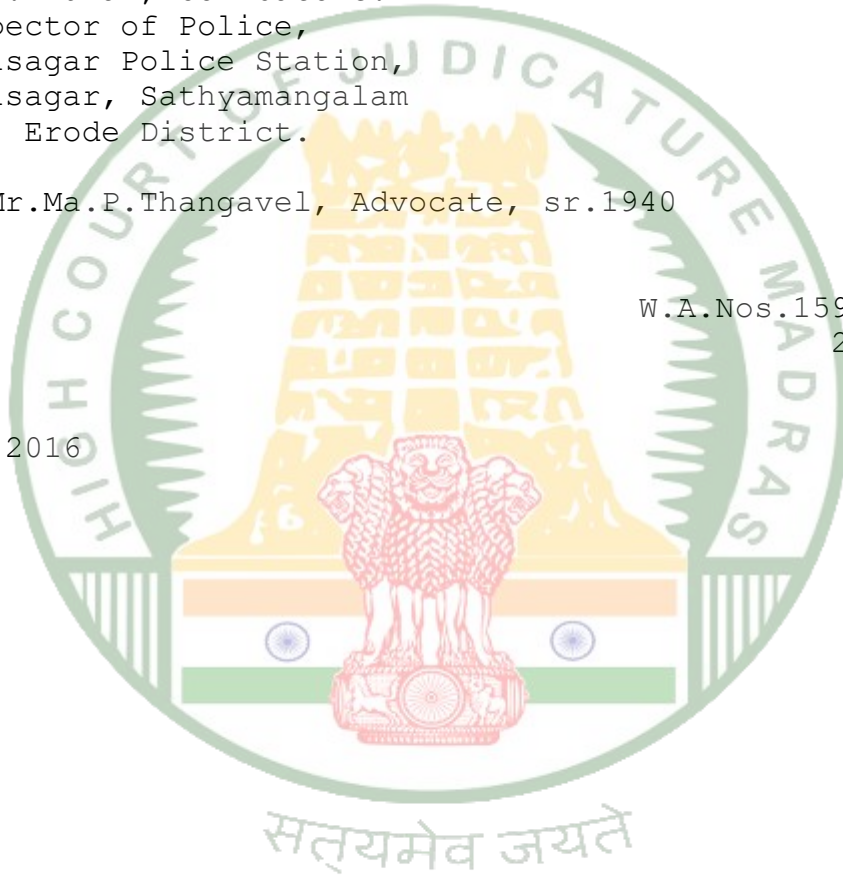
To

- 1.The Joint Registrar
Co-operative Societies, Erode.
- 2.The Deputy Registrar
Co-operative Societies,
Gobichettipalayam, Erode District.
- 3.The Inspector of Police
C.C.I.W. Rural, Coimbatore.
- 4.The Inspector of Police,
Bhavanisagar Police Station,
Bhavanisagar, Sathyamangalam
Taluk, Erode District.

+1 cc to Mr.Ma.P.Thangavel, Advocate, sr.1940

W.A.Nos.1595, 1596 and
2242 of 2003

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