

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :: 16-02-2016

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.Nos.5596 & 5597 OF 2016

M.Raju ... Petitioner in W.P.No.5596 of 2016

K.Marappan ... Petitioner in W.P.No.5597 of 2016

-vs-

1.The Deputy Registrar of Co-op.Societies,
Tiruchengode,
Namakkal District.

2.The General Manager,
S-351, Tiruchengode Agricultural Producers
Co-operative Marketing Society Ltd.,
Tiruchengode,
Namakkal District. ... Respondents in both W.Ps.

Petitions under Article 226 of the Constitution of India, praying for issuance of a writ of certiorari, to call for the records relating to the impugned order passed by the first respondent in his proceedings C.E.P.No.11/2015-16, dated 05.02.2016, and quash the same.

For petitioners : Mr.T.Jeevanantham

For respondents : Mr.L.P.Shanmugasundaram,
Spl.Govt.Pleader (Co-op.).

O R D E R

Heard Mr.T.Jeevanantham, learned counsel for the petitioners; and Mr.L.P.Shanmugasundaram, learned Special Government Pleader, appearing for the respondents.

2. It is not in dispute that the issue involved in this Writ Petition is covered by an earlier decision of this Court in W.P.No.106 of 2016 (R.Eswaran v. The Deputy Registrar of Cooperative Societies, Dharapuram), and in the said Writ Petition, an identical proceeding was sought to be quashed on the ground that inquiry has been commenced under Section 81 of the Tamil Nadu Co-operative Societies Act, 1983, in short, "the Act", and during the pendency of the inquiry proceedings, authorities have invoked powers under Section 167 (2) of the

Act and passed the impugned order of attachment.

3. This Court, in the case of R.Eswaran, cited supra, following an earlier decision in the case of E.Murugan and Others v. The Registrar of Cooperative Societies & Others, in W.P.Nos.11143 to 11146 of 2015, dated 17.04.2015, partly allowed the Writ Petition, with certain directions. The operative portion of the said order reads as follows :

"5. Accordingly, the Writ Petition is partly allowed, the impugned order dated 31.8.2015 passed under Section 167 (2) of the Act is set aside and the matter is remitted back to the first respondent for fresh adjudication in accordance with Section 167 of the Act read with Rule 140 of the said Rules. In the interregnum, the petitioner shall not alienate or encumber or create third party rights in respect of the immovable properties in question. The first respondent shall pass orders in terms of the provisions of law within a period of eight weeks from the date of receipt of a copy of this order. No costs. Consequently, the above WMP is closed."

4. Following the above order, these Writ Petitions are also partly allowed; the impugned order dated 05.02.2016 is set aside and the matter is remitted back to the first respondent for fresh adjudication in accordance with Section 167 of the Act read with Rule 140 of the Tamil Nadu Co-operative Societies Rules, 1988. In the interregnum, the petitioners shall not alienate or encumber or create third party rights in respect of the immovable properties in question. The first respondent shall pass orders in terms of the provisions of law within a period of eight weeks from the date of receipt of a copy of this order. No costs. Consequently, the connected W.M.P.Nos.4961 and 4962 of 2016 are closed.

Sd/-
Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

dixit

To

1.The Deputy Registrar of Co-op.Societies,
Tiruchengode,
Namakkal District.

2.The General Manager,
S-351, Tiruchengode Agricultural Producers
Co-operative Marketing Society Ltd.,
Tiruchengode,
Namakkal District.

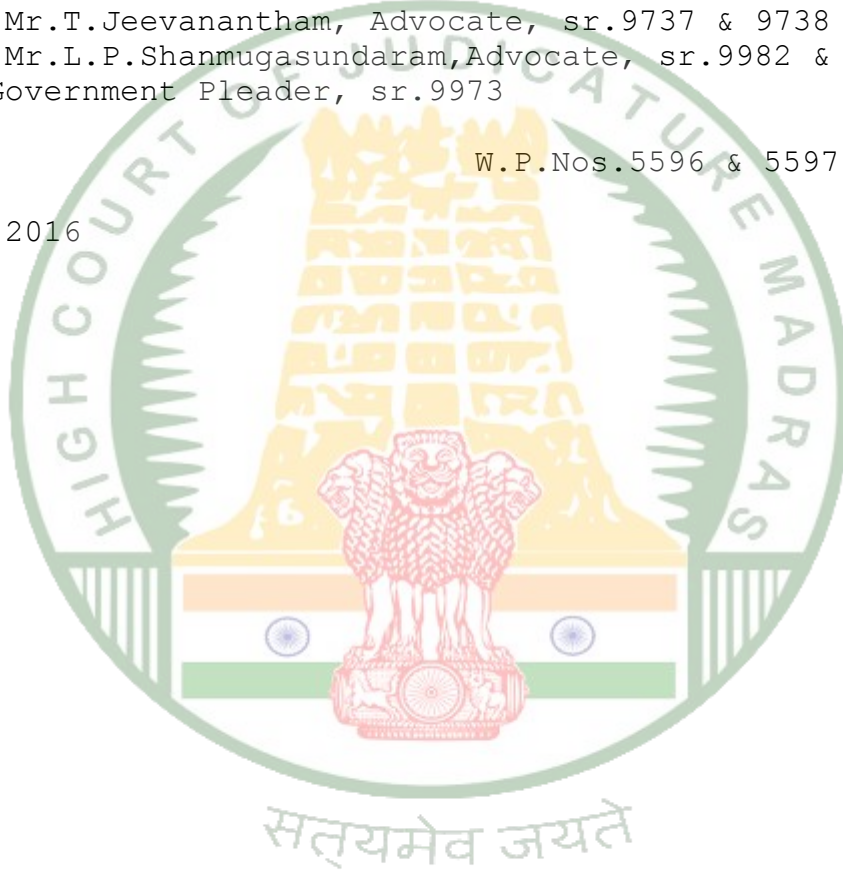
+2 ccs to Mr.T.Jeevanantham, Advocate, sr.9737 & 9738

+2 ccs to Mr.L.P.Shanmugasundaram, Advocate, sr.9982 & 9983

+1 cc to Government Pleader, sr.9973

W.P.Nos.5596 & 5597 OF 2016

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