

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.6.2017

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.12973 of 2017 and W.M.P.No.13843 of 2017

D.Radhakrishnan

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Petitioner

Vs.

The Deputy Registrar of Co-operative
Societies,
Perambalur Circle,
Perambalur Town,
Perambalur Taluk & District.

Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorari to call for the records of the respondent in his proceedings bearing Na.Ka.No.473/ 2015/Sa.B. dated 24.4.2017 (served on the petitioner on 10.5.2017) and quash the same.

For Petitioner : Mr.G.Ilamurugu

For Respondent : Mr.V.Selvaraj
Addl. Govt. Pleader

O R D E R

According to the petitioner, an award was passed on 13.10.2016 under section 87 of the Tamilnadu Cooperative Societies Act. Challenging the said award, the petitioner has preferred an appeal before the Principal District Judge, Perambalur under section 152 of the Tamilnadu Cooperative Societies Act. In the aforesaid appeal, petitioner has filed an application in I.A.No.15 of 2017 in C.M.A.C.S. No.3 of 2017 and the same is pending before the Appellate Court. In the meantime, the respondent issued notice by initiating recovery proceedings against the petitioner. According to the petitioner, when the appeal is pending, the recovery proceedings initiated by the respondent is illegal and unsustainable in law.

2 The learned Additional Government Pleader would submit that the petitioner has filed an application in I.A.No.15 of 2017 in C.M.A.C.S.No.3 of 2017 for stay of the award proceedings. However, no interim order has been granted in the said application. Therefore, there is no impediments for the respondent to initiate recovery proceedings against the petitioner. Thus, the writ petition is liable to be dismissed.

3 Heard the learned counsel for the petitioner and the learned Government Advocate for the respondents and perused the materials on record.

4 Admittedly, the petitioner has filed an appeal in in C.M.A.C.S.No.3 of 2017 against the award passed in Na.Ka.473/2015 sa.pa(1), dated 13.10.2016. In the aforesaid appeal, petitioner has filed an application in I.A.No.15 of 2017 for stay of the award. In the said application, notice was ordered and the same is pending.

5 In view of the above, this Court is not inclined to entertain the writ petition at this stage. In view of the appeal and stay application is pending, the present writ petition cannot be entertained. However, as requested by the petitioner, this Court directs the Principal District Judge, Perambalur to consider the application in I.A.No.15 of 2017 in C.M.A.C.S.No.3 of 2017 filed by the petitioner, pass appropriate orders in accordance with law, as expeditiously as possible. The impugned order passed by the respondent shall be kept in abeyance for the period of six weeks on the request of the counsel for the petitioner.

The writ petition is dismissed with the above directions. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS III)

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Sub Assistant Registrar

vaan

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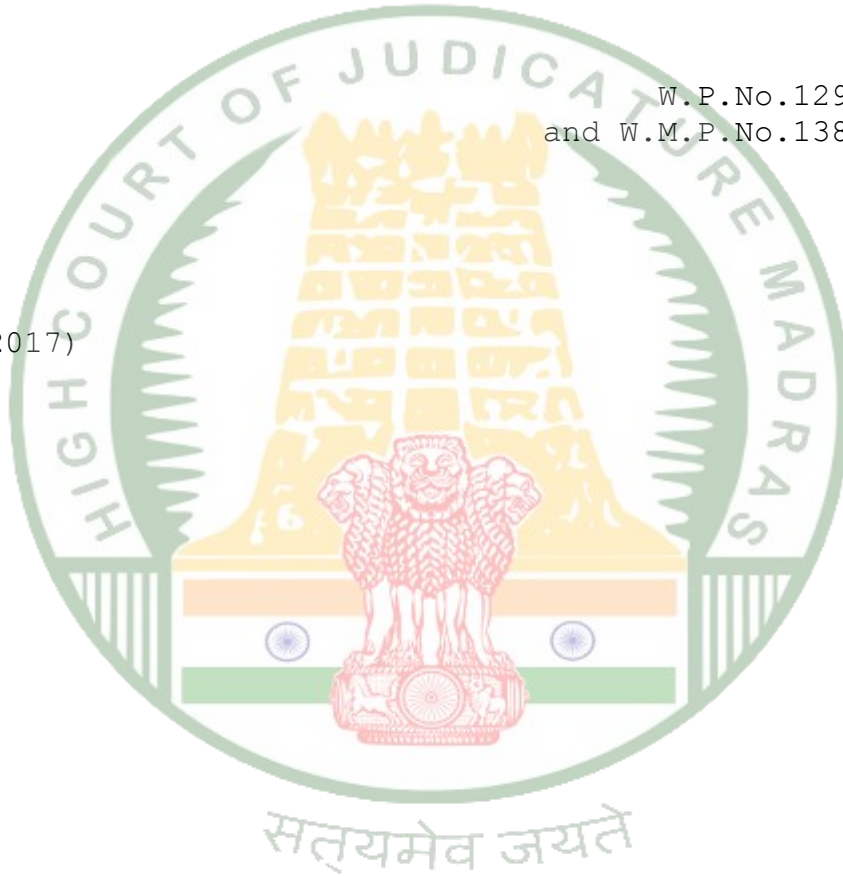
The Deputy Registrar of Co-operative Societies,
Perambalur Circle,
Perambalur Town,
Perambalur Taluk & District.

+1cc to M/s.G.Ilamurugu, Advocate, S.R.No.46012

+1cc to the Government Pleader, S.R.No.45978

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and W.M.P.No.13843 of 2017

RK (CO)
CU (14/07/2017)



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