

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.03.2017

CORAM

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.19272 of 2016

& WMP.Nos. 16729 & 16730 of 2016

K.Amutha

... Petitioner

Vs

1. The Deputy Registrar of Co-operative Societies, Cheyyar Circle, Cheyyar, Thiruvannamalai District.
- 2.The Co-operative Sub Registrar/ Sale Officer, C.1245 Arni Agricultural Producers Co-operative Marketing Society Limited, Arni to Vellore Main Road, Arni, Thiruvannamalai District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for a Writ of Certiorari, calling for the entire records relating to the impugned sale notice published by the second respondent in Daily Thanthi newspaper dated 02.06.2016 in Vae.Aa.No.179/Sae.Ma.Tho.A/2016, Thi.Malai, dated 01.06.2016 and quash the same.

For Petitioner : Mr.C.Prakasam

For Respondent-1 : Mr.V.Selvaraj,
Additional Government Pleader

For Respondent-2 : Mr.L.P.Shanmugasundaram
Special Govt. Pleader

O R D E R

Writ petition has been filed challenging the sale notice published by the second respondent in Daily Thanthi newspaper on 02.06.2016, and quash the same.

2.The brief facts of the case are as follows:

(i) One S.Kamalanathan was working as Manager in the Arni Agricultural Producers Co-operative Marketing Society Limited and he along with other higher officials and Directors have misappropriated the assets of the Society. Hence, the second respondent initiated action under Section 87 of the Tamil Nadu Co-operative Societies Rules, 1983 and the same is pending before the first respondent. In the meantime, the first respondent attached the movables of the petitioner herein [wife of S.Kamalanathan].

(ii) Pursuant to the attachment order, the impugned auction notice was also published in the daily newspaper 'Dinathanthi'. Against the said auction notice, the petitioner has filed the present writ petition before this Court.

3.Further the learned Special Government Pleader submitted that the petitioner will have to make his objection under Rule 135 of the Tamil Nadu Co-operative Societies Act, 1988, if any such objection is made, certainly the respondent Society will consider the same in accordance with law.

4.Learned counsel for the petitioner would also fairly submit that the petitioner will make his objection before the Sale Officer under Rule 135 of the Tamil Nadu Co-operative Societies Rules.

5. Taking into consideration the submissions made by the learned counsel for the parties, without expressing any opinion on the grounds raised by the petitioner before this Court, liberty is granted to the petitioner to file his objection or representation as the case may be, before the Sale Officer, second respondent Society, within a period of three weeks from the date of receipt of a copy of this order.

6. Thereafter, the Sale Officer/second respondent Sub Registrar is directed to consider the claim or objection made by the petitioner on merits and in accordance with law, as expeditiously as possible preferably, within a period of four weeks. It is also made clear that the respondent will not proceed with the auction proceedings until the claim or objection of the petitioner is disposed by the Sale Officer.

7. With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1. The Deputy Registrar of Co-operative Societies, Cheyyar Circle, Cheyyar, Thiruvannamalai District.
2. The Co-operative Sub Registrar/ Sale Officer, C.1245 Arni Agricultural Producers Co-operative Marketing Society Limited, Arni to Vellore Main Road, Arni, Thiruvannamalai District.

+1 CC to Mr.C.Prakasam, Advocate Sr.No.16599

+1 CC to Government Pleader, High Court, Chennai Sr.No.16514

+1 CC to Mr.L.P.Shanmugasundaram, Advocate Sr.No.16328

सत्यमेव जयते

W.P.No.19272 of 2016

SR(CO)
KP(21.04.2017)

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