

IN THE HIGH COURT OF JUDICATURE AT MADRAS**DATED: 21.08.2017****CORAM :****The Hon'ble MR.JUSTICE D.KRISHNAKUMAR****W.P. No.17373 of 2017
and W.M.P.No.18868 of 2017**

R.Saranya

.. Petitioner

-VS-

1.The Deputy Registrar,
Co-operative Societies,
Gobi Circle, Gobichettipalayam
and Taluk, Erode District.

2.The Chairman,
AA 55 Alukuli Primary Agricultural
Co-operative Credit Society Ltd.,
Alukuli and Post, Gobichettipalayam
Taluk, Erode District.

3.N.Rathinasamy

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorarified Mandamus to call for the records pertaining to the Form-8 and Form-9 dated 17.06.2011 and signed on 24.05.2017 issued by the 1st respondent and quash the same and consequentially issue direction directing the 1st respondent to dispose the petitioner's representation dated 09.03.2017 following Rule 135 and Sec.167(1) of the Ttamil Nadu Co-operative Societies Act, read with Order 21 Rule 58 of CPC.

For Petitioner

:

Mr.R.Marudhachalamurthy

For Respondents : Mr.L.P.Shanmugasundaram
Spl.G.P. For RR 1 and 2
: No appearance for R-3
* * * * *

ORDER

The petitioner has filed this writ petition seeking to quash the proceedings of the 1st respondent dated 17.06.2011 (signed on 24.05.2017) and to consequently, direct the 1st respondent to dispose of the petitioner's representation dated 09.03.2017 following Rule 135 and Sec.167(1) of the Tamil Nadu Co-operative Societies Act, read with Order 21 Rule 58 of CPC.

2.The case of the petitioner is that the properties in question are ancestral properties and are being enjoyed as joint family properties since 1992. Pursuant to a dispute in the family with regard to the sale of properties, a suit is stated to have been filed by the petitioner and her sister, which is pending consideration. The grievance of the petitioner is that when she and her sister have 1/3rd share each in the properties, to her shock and surprise, the petitioner received the impugned notices of the first respondent bringing the properties under auction, as the third respondent was held liable to pay a sum of Rs.24,73,525/- under surcharge proceedings initiated by the first respondent. Hence, the petitioner made a representation

dated 09.03.2017 before the first respondent requesting not to bring 2/3rd share of the properties in auction.

3. Heard both sides.

4. Though the petitioner seeks to quash the impugned notices of the first respondent, the learned counsel for the petitioner would submit that it is suffice if the representation of the petitioner dated 09.03.2017 is disposed of as per law, within a time frame.

5. The learned Special Government Pleader would submit that if the representation of the petitioner dated 09.03.2017 has not yet been disposed of by the first respondent, the same will be considered and disposed of on merits and in accordance with law.

6. In view of the submissions made on either side, without going into the merits of the case, I direct the first respondent to dispose of the petitioner's representation dated 09.03.2017, if not already disposed of, on merits and in accordance with law, within a period of two (2) weeks from the date of receipt of a copy of this order.

D. Krishnakumar, J.

(sra)

7. Writ petition is, accordingly, disposed of. No costs.
Consequently, W.M.P.No.18868 of 2017 is closed.

21.08.2017

Index : Yes/No
Website : Yes/No

sra

To

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Gobi Circle, Gobichettipalayam
and Taluk, Erode District.

2. The Chairman,
AA 55 Alukuli Primary Agricultural
Co-operative Credit Society Ltd.,
Alukuli and Post, Gobichettipalayam
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