

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 28.03.2017

Coram

The Hon'ble Mr.Justice S.M.Subramaniam

Writ Petition No.7351 of 2004
and
W.P.M.P.No.8684 of 2004

A.Ramasami

...Petitioner

Vs.

1. The Deputy Registrar of Cooperative Societies,
Trichy Road, Namakkal,
Namakkal District.
2. The Namakkal Cooperative Urban Bank No.19,
Ramanagar Sannadhi Street,
Namakkal, Namakkal District,
rep. by its Special Officer.Respondents

Writ Petition, filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus, forbearing the first respondent from proceeding with the Suit in O.S.No.837 of 2003, dated 08.03.2007, relating to 2/SSI CC.

For Petitioner : Mr.P.Krishnan

For Respondents : Mr.L.P.Shanmugasundaram
Special Government Pleader
(for Cooperative Societies)

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O R D E R

Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader for respondents.

2. The petitioner was a Director of M/s.Vinayaga Rice and Oil Mills. The petitioner is an account holder of the respondent-Cooperative Society, bearing A/C.No.2/SSSI/CC. The petitioner also availed cash credit facility from the respondent-Society, by mortgaging his properties as security.

It is seen that, by availing such facility, the petitioner owes a sum of Rs.15,00,000/- to the respondent-Society. Since the petitioner has not honoured the payments due to the respondent-Society, recovery action was initiated by the second respondent, under the provisions of Tamil Nadu Cooperative Societies Act, 1986, by filing a Suit under Section 90 against the petitioner, and this Writ Petition has been filed, to forbear the first respondent from proceeding further with the Suit. Such a legal proceedings initiated by the respondent-Society under the provisions of the Act are to be adjudicated by the Competent Authority by providing opportunity to the petitioner to putforth his stand. Mere initiation of the suit under Section 90 will not confer right to the petitioner to file the present Writ Petition, nor, this Court can direct the first respondent, quasi-judicial authority not to proceed with the Suit, filed by the second respondent-Cooperative Society. The nature of the Suit is a quasi-judicial proceedings, which cannot be injuncted by this Court from proceeding further and to decide the same in accordance with the provisions of the Act. The prayer sought for by the petitioner is totally a misconceived one, and such a prayer cannot be considered in view of the settled legal principles in the matters of Cooperative Society. Accordingly, the Writ Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

To

1. The Deputy Registrar of
Cooperative Societies,
Trichy Road, Namakkal,
Namakkal District.
2. The Special Officer,
The Namakkal Cooperative Urban Bank No.19,
Ramanagar Sannadhi Street,
Namakkal, Namakkal District.

Writ Petition No.7351 of 2004

GN(14/07/2017)