

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 04.04.2017
CORAM:

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

W.P. No. 18839 of 2014
and
M.P Nos.1 & 2 of 2014

C. Kanakasabai .. Petitioner

/Vs/

1. The District Registrar /
Deputy Registrar of Cooperative
Societies, Chidambaram
Cuddalore District.
2. The President
E.2608, Athipattu Primary Agricultural
Cooperative Credit Society,
Athipattu Village
Kattumannarkoil Taluk
Cuddalore District. .. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari, calling for the entire records relating to the impugned order passed by the 1st respondent in his proceedings E.P. No.13/10-11-Tha.Ma. No.2518/10 dated 19.06.2014 and quash the same and pass further orders.

For Petitioner : Mr. C. Prakasam

For Respondents: Mr. L.P. Shanmughasundaram
Spl. Govt. Pleader for R1 & R2

O R D E R

This Writ Petition has been filed seeking to quash the order passed by the 1st respondent in his proceedings E.P. No.13/10-11-Tha.Ma. No.2518/10 dated 19.06.2014.

2. Learned counsel for the petitioner submitted that the petitioner was appointed as Fertilizer Salesman in the 2nd respondent Society and on promotions he has reached the post of Secretary on 30.05.1998. Alleging misappropriation of the amount payable to the insurance company, the 2nd respondent placed all the employees of the respondent society under suspension and initiated disciplinary proceedings against them.

Further, an enquiry was ordered under Section 81 of the Tamilnadu Cooperative Societies Act, 1983 and the 1st respondent initiated surcharge proceedings under Section 87 of the Act. According to the petitioner, the said amount was not misappropriated, but by oversight one of the employee has not remitted the insurance premium amount of 44 members, in time. On the statutory appeal preferred by the other employees, the District and Sessions Court, set aside the surcharge proceedings, passed under Section 87 of the Tamil Nadu Cooperative Societies Act, 1983, except for an amount of about Rs.3000/-. Since the petitioner did not prefer any statutory appeal, the 1st respondent passed the order impugned, attaching the property belonging to the wife of the petitioner.

3. According to the petitioner, without issuing notice to the petitioner, the respondents have passed the order of attachment of the property belonging to his wife and have called for public auction. Aggrieved by the same, the petitioner has filed this writ petition, to set aside the order of attachment dated 19.06.2014. Learned counsel for the petitioner would submit that it would be suffice, if the present writ petition is disposed of, by granting liberty to the petitioner to approach the Sale Officer under Rule 135 of the Tamil Nadu Cooperative Societies Rules.

4. Learned Special Government Pleader would submit that if any claim or objection is made before the Sale Officer, the same would be considered, in accordance with law.

5. Heard both sides and perused the material available on record.

6. Considering the submissions made by the learned counsel for the petitioner that the relief prayed in the writ petition is moulded, the petitioner is at liberty to approach the Sale Officer, under Rule 135 of the Cooperative Societies Rules. The petitioner has complied with the conditional order passed by this Court and had deposited the said amount. Therefore, the 2nd respondent Society is permitted to withdraw the same, subject to the outcome of the proceedings.

7. The writ petition is disposed of, on the above terms. Consequently, the connected Miscellaneous Petitions are closed. No order as to costs.

Sd/-
Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

avr

To

1. The District Registrar /
Deputy Registrar of Cooperative
Societies, Chidambaram
Cuddalore District.
2. The President
E.2608, Athipattu Primary Agricultural
Cooperative Credit Society,
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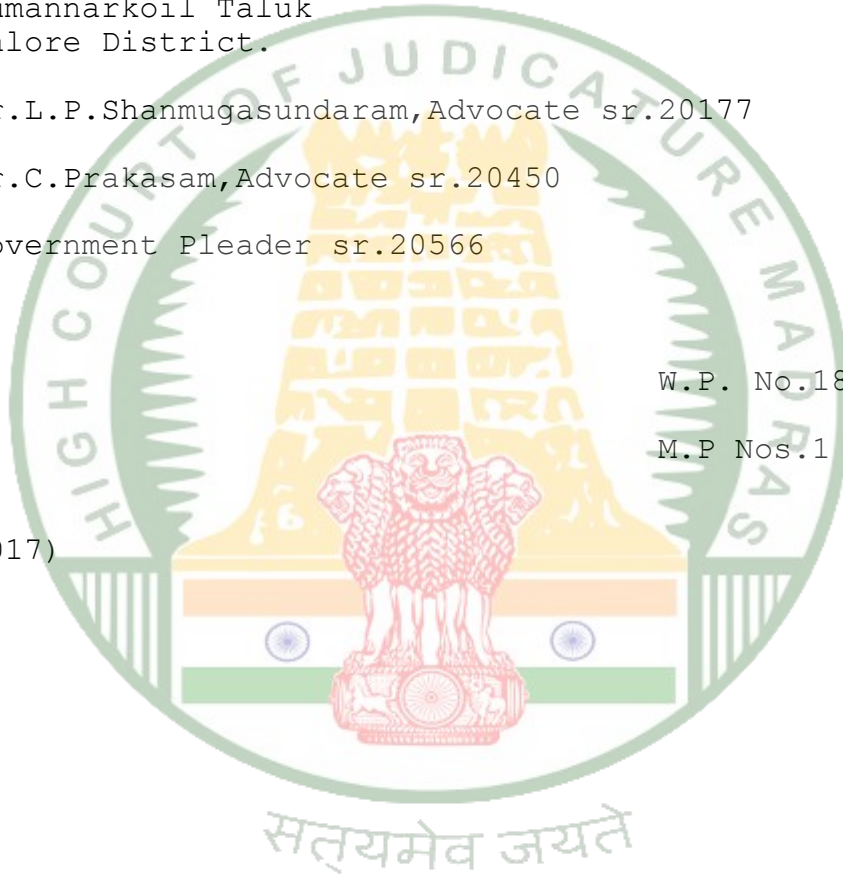
+1cc to Mr.L.P.Shanmugasundaram, Advocate sr.20177

+1cc to Mr.C.Prakasam, Advocate sr.20450

+1cc to Government Pleader sr.20566

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sv1(co)
ss(19/6/2017)



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