

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.09.2017

CORAM

THE HON'BLE MR. JUSTICE D. KRISHNAKUMAR

W.P.No.21338 of 2009 and
MP No.1 of 2009

M.Vaitheeswaran

..Petitioner

Vs.

1. The Deputy Registrar of Cooperative Societies, Perambalur Circle, Perambalur, Perambalur District.
2. The Sale Officer, O/o. Deputy Registrar of Cooperative Societies, Perambalur Circle, Perambalur, Perambalur District.

...Respondents

PRAYER:

The Writ Petition is filed under Article 226 of the Constitution of India to issue a writ of certiorari calling for the entire records relating to the impugned order passed by the second respondent in his proceedings No.Nil, dated 09.09.2009 and quash the same.

For Petitioner : Mr.C.Prakasam

For Respondents : Mr.V.Selvaraj,

Additional Government Pleader

ORDER

According to the learned counsel for the petitioner, when the petitioner was working as a clerk in TY.SPL. 121, Sirunila Primary Agricultural Coop Bank, Perambalur District, the then President suspended the petitioner from service and issued a charge memo for the alleged irregularities that the petitioner distributed loan amounts to non members of the society. The petitioner submitted his explanation. Pursuant to that, the first respondent passed an award in Award No.1/2000-01 dated 10.11.2000 for Rs.27,83,945/-. Pursuant to that, the bank filed an Execution Petition in CEP.No.30/03-04 without furnishing a copy of the award proceedings or CEP proceedings.

Without the said copies, the petitioner is not able to challenge the same before the competent court. Now, on 25.06.2009, the first respondent has issued a demand notice for proposed auction for bringing the petitioner's immovable property and demanded Rs.70,94,865/-. In this connection, the second respondent has passed order in his proceedings No.Nil dated 09.09.2009 stating that the petitioner's property would be brought for public auction. Hence, the petitioner has filed the present writ petition before this Court.

2. On contrary, the first respondent has filed counter affidavit by stating that the award was passed on 10.11.2000 and the bank has also filed an Execution Petition in CEP.No.30/2003-04. The award copy has also been sent to the petitioner by RPAD. Hence, the contention of the petitioner is false and the same is liable to be rejected.

3. The learned counsel for the petitioner has submitted that in spite of efforts taken, the petitioner could not be contacted and therefore he is not in a position to show whether the said award copy was received or not.

4. In view of the above submissions made by the learned counsel for the parties, this court has accepted the submissions made by the first respondent that the said award copy was served to the petitioner through RPAD. Therefore, the writ petition is liable to be dismissed. Further, if the petitioner has disputed the said receipt of the award copy, it is open to the petitioner to challenge the same before the authority concerned.

5. In the result, the writ petition is dismissed. Consequently, the connected miscellaneous petition is closed. No costs.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

lok

To

1. The Deputy Registrar of Cooperative Societies, Perambalur Circle, Perambalur, Perambalur District.

2. The Sale Officer,
O/o. Deputy Registrar of Cooperative
Societies, Perambalur Circle,
Perambalur,
Perambalur District.

+1cc to Mr.C.Prakasam, Advocate Sr. 64169
+1cc to the Government Pleader Sr. 64535

W.P.No.21338 of 2009 and
MP No.1 of 2009

AR (V)
VR(27/10/2017)



WEB COPY