

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.8.2017

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.31596 of 2015

1 C.Ariyappan
S/o. Chinna Gounder
Nayakkanoor Village,
Anchoor Post
Krishnagiri Taluk & District
Pincode-635 203.PETITIONER

Vs.

1 The Deputy Registrar of
Co-operative Societies,
Krishnagiri Circle,
Krishnagiri District.

2 Sale Officer / Field Officer/Co-Op.
Sub Registrar, O/o. The Deputy Registrar
of Co-operative Societies,
Krishnagiri.

3 The Sub-Registrar
Registration Department
231 Textile Market-
Backside Bargur-636104,
Krishnagiri District.

4 D.K.78 Anchoor Primary
Agricultural Co-operative
Credit Society Ltd.
Rep. by its Secretary / President
Anchoor Post Krishnagiri Taluk & District.RESPONDENTS

Prayer: Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorari, Calling for the entire records relating to the impugned orders of Surcharge passed by the 1st respondent in his proceedings/ Surcharge order in Na.Ka.No.2/2002 Sa.Pa.1 dated 26.3.2008 and attachment and auction Sale Notice Nos.8 & 9 of immovable property in E.P.No.480/2008-2009 issued under Rule 126 of the Tamilnadu Co-operative Societies Act 1988 by the second Respondent/ Sale Officer on 22.5.2015 and quash the same.

For Petitioner : Mr.M.Thangaraju
For Respondents 1to3 : Ms.T.Girija, G.A.
For Respondent No.4 : Mr.L.P.Shanmugasundaram,
Spl. Govt. Pleader

O R D E R

Though petitioner has sought for larger prayer in the writ petition, learned counsel appearing for the petitioner confined his arguments only in respect of the attachment and auction Sale Notice Nos.8 & 9 of immovable property in E.P.No.480/2008-2009 issued under Rule 126 of the Tamilnadu Co-operative Societies Act 1988 by the second respondent/ Sale Officer on 22.5.2015.

2 At the time of admission, conditional interim stay has been granted by this Court. Pursuant to the compliance, interim order already granted by this Court made absolute on 26.11.2015.

3. The learned Special Govt. Pleader appearing for the 4th respondent Society would submit that by virtue of interim order granted by this Court, auction was not conducted. If any grievance, the petitioner shall make claim or objection before the second respondent/Sale Officer under Rule 135 of the Tamilnadu Cooperative Societies Rules.

4 Considering the submission made by the learned Special Government Pleader and in the light of the Rule 135 of the Tamilnadu Cooperative Societies Rules, the petitioner has to make claim or objection before the authorities concerned. Without exhausting the said remedy, writ petition cannot be entertained. Therefore, it is open to the petitioner to file a claim petition or objection within four weeks from the date of receipt of a copy of this order. In the event of any objection or claim received by the authorities concerned, the same shall be considered and pass appropriate orders on merit and in accordance with law, within two weeks thereafter.

The writ petition is disposed of with the above directions. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

vaan

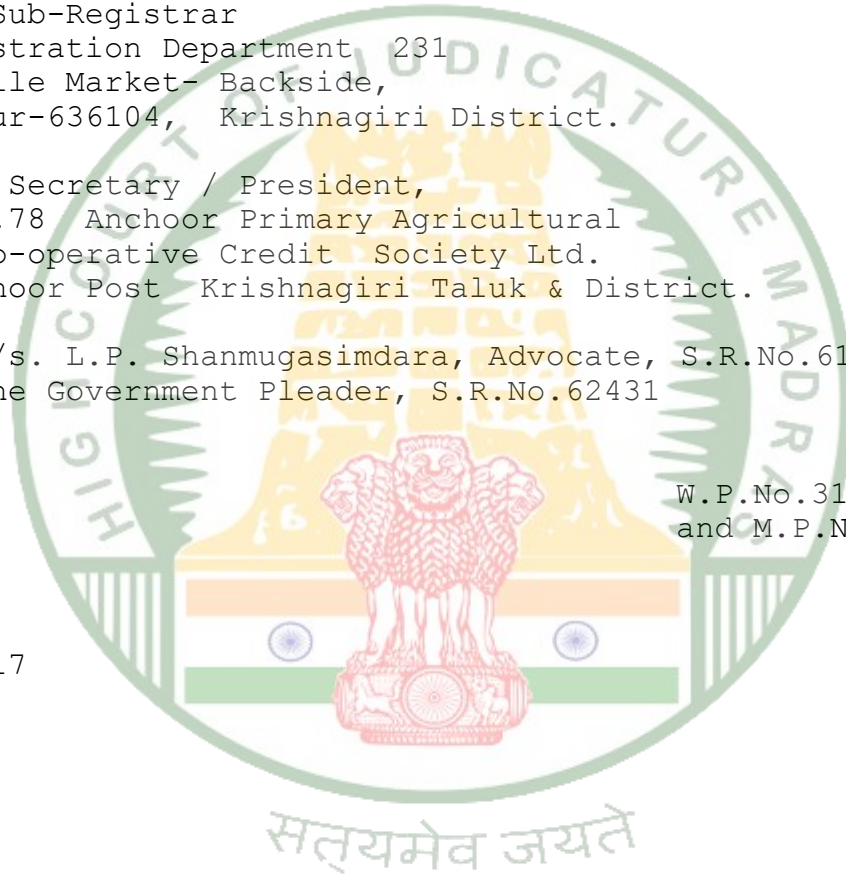
To

- 1 The Deputy Registrar of Co-operative Societies,
Krishnagiri Circle, Krishnagiri District.
- 2 Sale Officer / Field Officer/Co-Op. Sub Registrar,
O/o. The Deputy Registrar of Co-operative Societies,
Krishnagiri.
- 3 The Sub-Registrar
Registration Department 231
Textile Market- Backside,
Bargur-636104, Krishnagiri District.
- 4 The Secretary / President,
D.K.78 Anchoor Primary Agricultural
Co-operative Credit Society Ltd.
Anchoor Post Krishnagiri Taluk & District.

+1cc to M/s. L.P. Shanmugasimdara, Advocate, S.R.No.61793
+1cc to the Government Pleader, S.R.No.62431

W.P.No.31596 of 2015
and M.P.No.2 of 2015

SKV(CO)
EU 18/09/17



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