

HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.07.2017

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.21496 of 2012 and
M.P.No.1 of 2012

M.Kasthuri

..Petitioner

Vs.

1. The Deputy Registrar of Co-operative Societies,
Thiruvannamalai.
 2. The Special Officer,
Jawadhi Hills Hill Tribes Large Sized Multipurpose
Co-operative Societies Ltd.,
Jamuna Marathur Village & Post,
Polur Taluk,
Thiruvannamalai District.
- ...Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 1st respondent to consider and pass orders on the Claim Application submitted by the petitioner dated 04.05.1998 under Rule 135 of Tamil Nadu Co-operative Societies Rules, 1988 in respect of the S.No.162/5F, 172/6A, 172/8, 174/6B, 272/1B & 272/1A Pachal Village & Post, Thirupathur Taluk, Vellore District belonging to the petitioner.

For Petitioner : Mr.G.Sankaran

For Respondents : Mrs.T.Girija,

Government Advocate for R1
: Mr.L.P.Shanmuga Sundaram,
Special Government Pleader
for R2

WEB COPY

ORDER

According to the petitioner, the petitioner is the absolute owner of the property in S.No.162/5F, 172/6A, 172/8, 174/6B, 272/1B & 272/1A Pachal Village & Post, Thirupathur Taluk, Vellore District and in respect of the same the petitioner has been granted with patta by the Revenue Department. A surcharge proceedings was initiated against the petitioner's husband and the first respondent passed an order of

attachment in C.E.P.No.4/87-88 dated 12.10.1987 over the above said property which belongs to the petitioner. Being the absolute owner of the property, against the order of attachment, the petitioner filed a Civil suit in O.S.No.81 of 1989 for permanent injunction, wherein the court directed to invoke the provision of Tamil Nadu Cooperative Societies Act, 1983 to redress petitioner's grievance. Based on that, the petitioner made a Claim Application under Rule 135 before the first respondent in the year 1998, which is kept pending until today. Hence, the petitioner has filed this writ petition before this Court.

2. The learned counsel for the petitioner would submit that in the event of surcharge proceedings initiated against deceased person, his representative who inherit his property to be proceeded with. While so, based on the surcharge proceedings, there cannot be any order of attachment against the properties purchased by the petitioner. Further, the claim application has been kept pending for long years without taking any action. Hence, the petitioner has filed this writ petition before this Court.

3. The learned Government Advocate would submit that a letter dated 28.08.2012 has been received from the first respondent, wherein it has been stated that the said application is still pending and the same will be considered in accordance with law.

4. Heard, the learned counsel of the respective parties and perused the materials available on record.

5. In view of the submissions made by the learned counsel for the parties, the first respondent is directed to consider the petitioner's application dated 04.05.1998 on merits and in accordance with law and pass orders as expeditiously as possible, preferably within a period of twelve weeks from the date of receipt of a copy of this Order. It is needless to say that the petitioner also encloses a copy of the said application along with this order copy.

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

Sd/-
Deputy Registrar (Judicial)

/true copy/

Sub Asst. Registrar

lok

To

1. The Deputy Registrar of Co-operative Societies,
Thiruvannamalai.
2. The Special Officer,
Jawadhi Hills Hill Tribes Large Sized Multipurpose
Co-operative Societies Ltd.,
Jamuna Marathur Village & Post,
Polur Taluk,
Thiruvannamalai District.

+1cc to the Government Pleader Sr. 51051

W.P.No.21496 of 2012 and
M.P.No.1 of 2012

SSI(CO)
VR(22/09/2017)



WEB COPY