



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 23.03.2017

CORAM

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.A. (MD) Nos.700 and 860 of 2015
and
WPMP (MD) Nos.2688 and 2689 of 2015

1.The Co-operative Sub Registrar (Housing)
TVS Nagar Co-operative Building Society,
B-100, Race Course Road,
T.V.S.Nagar, Khajamalai,
Trichy.

2.The Regional Deputy Registrar of
Co-operative Societies (Housing),
16/1, Samathu School Street,
Khajamalai,
Mannarpuram,
Trichy.

: Appellants in both Appeals/
Respondents 2 & 1

Vs.

S.Muthukrishnan

: Respondent in W.A.700/2015 /
Petitioner

M.Thenmozhi

: Respondent in W.A.860/2015 /
Petitioner

Prayer : Writ Appeals filed under Clause 15 of Letter Patent, to
set aside the order passed by the Single Judge in W.P.(MD)
No.18595 and 19484 of 2013 dated 20.04.2015.

Prayer in WP(MD). 18595/ 2013 :

Writ Petition is filed under Article 226 of the
Constitution of India, praying this Court To issue a Writ of
Certiorari calling for the entire records and impugned order dated
09.11.2013 issued by the 2nd respondent to the petitioner and
quash the same.

Prayer in WP(MD). 19484/ 2013 :

Writ Petition is filed under Article 226 of the
Constitution of India, praying this Court To issue a Writ of
Certiorari, calling for the entire records and impugned order
dated 25.11.2013 issued by the 2nd respondent to the petitioner
and quash the same and pass such further or other orders.



For Appellants : Mr.K.C.Ramalingam
For Respondents : Mr.A.P.Muthupandian

ORDER

(Judgment of the Court was delivered by **T.S.SIVAGNANAM, J.**)

Heard Mr.K.C.Ramalingam, learned counsel appearing for the appellants and Mr.A.P.Muthupandian, learned counsel appearing for the respondents.

2.These appeals are filed by the Co-operative Sub Registrar (Housing), TVS Nagar Co-operative Building Society, Trichy, challenging the order passed in W.P.(MD) Nos. 18595 and 19484 of 2013. The said writ petitions were filed by the respondents, challenging the summons issued by the second appellant under Section 81 of the Tamil Nadu Co-operative Societies Act, 1983 for collecting deposit amount. Before the Writ Court, the appellants herein had filed counter affidavit and taking note of para 11(f) of the counter affidavit, the Court recorded the undertaking given by the writ petitioners that they agreed for effecting payment of the amount as claimed. Thus, the writ petitions were disposed of by directing the petitioner to effect the said payment with a direction to the appellants/second respondent to pass appropriate orders. Thus, the Writ Court did not quash the summons issued to the writ petitioners. We fail to understand as to how the appellants Society is aggrieved by the order. If according to the appellants Society, the amount offered or tendered by the writ petitioners is not the correct amount or if there is any other amount to be recovered or there is any fraud committed, it is always open them to take necessary action in accordance with law and therefore, the question of entertaining the appeals does not arise as sufficient safeguard has been granted by the Writ Court to the appellants.

3.Accordingly, these writ appeals have been disposed of. Since the writ appeals are disposed of, the question of considering the petitions for injunction at the instance of the respondents do not arise and hence, the miscellaneous petitions are dismissed. No costs.

Sd/-

Assistant Registrar (CS-I)

/True copy/

Sub Assistant Registrar

+1 CC to Mr.A.P.Muthupandian, Advocate, SR No. 17141

+1 CC to Mr.K.C.Ramalingam, Advocate, SR No. 17713

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PSM/RR/SAR3/06.04.2017/2P/3C

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and

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