

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.08.2018

CORAM :

The Hon'ble MR.HULUVADI G.RAMESH, ACTING CHIEF JUSTICE

AND

The Hon'ble MR.JUSTICE S.S.SUNDAR

W.A.No.1627 of 2018

PE 12 Mettupalayam Primary
Agricultural Co-op. Bank Limited,
rep. by its Secretary,
Mettupalayam Post - 638 111
Thiruppur District. .. Appellant

-vs-

- 1.The Deputy Registrar of Co-op. Societies,
Dharapuram Circle, Vasantha Road,
Dharapuram - 638 656
Tiruppur District.
- 2.The Sub-Registrar,
Registration Department,
Vellakoil - 638 111.
Tiruppur District.

3.V.Vanitha .. Respondents

Appeal filed under Clause 15 of Letters Patent against the order dated 30.11.2015 made in W.P.No.28018 of 2015 on the file of this Court.

W.P.No.28018 of 2015:-

Writ Petition filed under Article 226 of the constitution of India for issuance of a Writ of Mandamus directing the 1st Respondent to re-notify the setting aside and cancellation of the order of attachment by this Hon'ble Court made in W.P.No.8438 of 2009 dated 15.02.2012 passed by the 1st respondent in the proceedings in CEP.No.2 of 2006-07 in RC.No.2559 of 2007/Ne.Ma. Dated 31.03.2009 and CEP.No.220/2007-08 in R.C.No.123/2008-09/Ne.Ma. Dated 31.03.2009 to the Second Respondent for the cancellation of the encumbrance created in the registrar maintained by them.

For Appellant .. Mr.Md.Nazarullah

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JUDGMENT

(Judgment of the Court was made by S.S.Sundar, J.)

This writ appeal has been filed by the appellant against the order dated 30.11.2015 made in W.P.No.28018 of 2015.

2. It appears that W.P.No.28018 of 2015 has been filed by the third respondent seeking a writ of mandamus directing the first respondent to re-notify the setting aside and cancellation of the order of attachment made in W.P.No.8438 of 2009, dated 15.2.2012 passed by the first respondent dated 31.3.2009.

3. The learned Single Judge, allowed the writ petition and directed the respondents therein to delete the entry from the encumbrance certificate maintained by the second respondent.

4. The grievance of the appellant is that the appellant is not a party in W.P.No.28018 of 2015 and the impugned order of the learned Single Judge passed in W.P.No.28018 of 2015 affects the interest of the appellant. It is further stated that an appeal has been filed against the order passed in W.P.No.8438 of 2009.

5. This Court, without going into the merits of the case is able to see that the impugned order of the learned Single Judge affects the interest of the appellant. Hence, the order of the learned Single Judge dated 30.11.2015 is set aside and the matter is remitted back to the learned Single Judge, who in turn shall consider the writ petition after hearing the appellant before this Court on merits and in accordance with law.

6. The writ appeal, accordingly, stands disposed of. No costs.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

bbr

To

1.The Deputy Registrar of Co-op. Societies,
Dharapuram Circle,
Vasantha Road,
Dharapuram - 638 656
Tiruppur District.

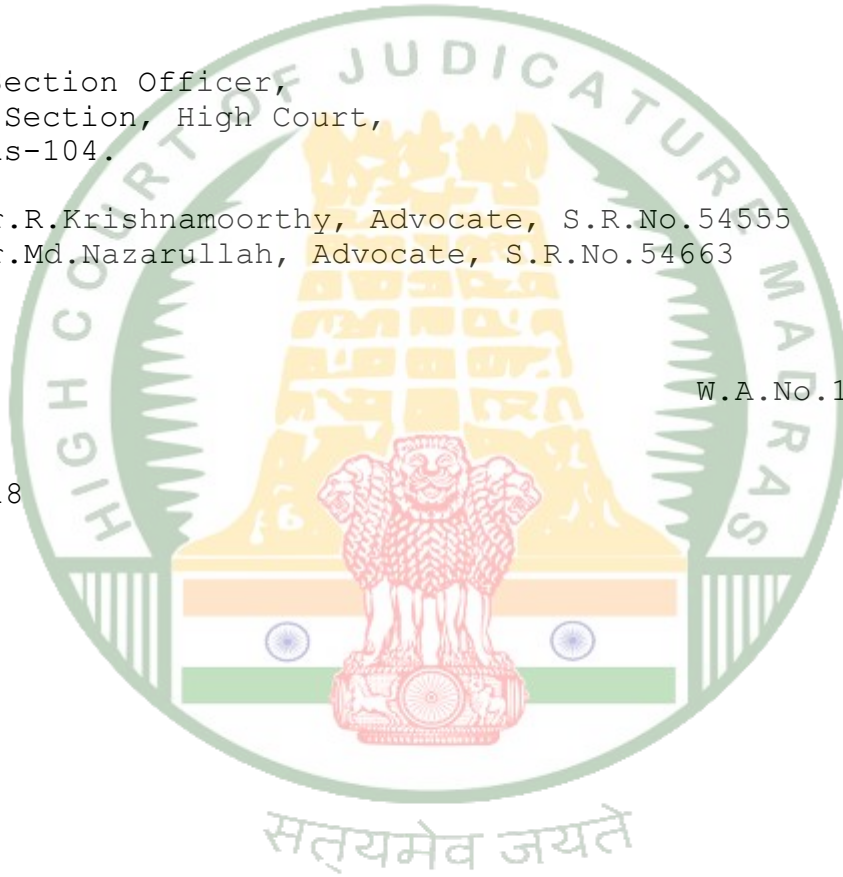
2.The Sub-Registrar,
Registration Department,
Vellakoil - 638 111.
Tiruppur District.

Copy To
The Section Officer,
Writ Section, High Court,
Madras-104.

+1cc to Mr.R.Krishnamoorthy, Advocate, S.R.No.54555
+1cc to Mr.Md.Nazarullah, Advocate, S.R.No.54663

W.A.No.1627 of 2018

KGK(CO)
CS/05/09/18



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