

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.10.2018

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.29343 of 2015
and
M.P.No.1 of 2015

Venkatachalam

... Petitioner

Vs

- 1.The Assistant Director of Handlooms and Textiles,
Erode.
- 2.The Special Officer,
E.H.187, Thanthai Periyar Power Loom
Weavers Co-operative Production & Sales Society Limited.
6, Nethaji Nagar,
Periyavalasu, Erode.
- 3.N.Vijayakumar
- 4.The Sub Registrar,
Office of the Sub Registrar,
Surampatti, Erode.
- 5.Authorised Officer,
Regional Office,
Central Bank of India,
14/14, Variety Hall Road,
Coimbatore.

... Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records in respect of the impugned order passed by the first respondent vide his office proceedings No.C.E.F.No.01/2015-16 Na.Ka.No:9435/15/F dated 10.07.2015 attaching the property of the petitioner situated in Old S.No.87, New R.S.No.126/4D of Periya Semur Village, Erode District and having Ward No.18, Old Door No.87, Door No.64 of Ellapalayam Road, Periyasemur III-Grade Municipality to the extent of 1845 sq.ft and quash the same and consequently direct the fourth respondent to remove the respective entries in the records kept by him to that effect.

For Petitioner : Mr.I.C.Vasudevan
For R1 : Mr.L.P.Shanmugasundaram
For R2 : Mr.EMS.Natarajan
For R3 : No appearance
For R5 : Mr.T.M.Hariharan

ORDER

The petitioner has come up with this writ petition to quash the proceedings in C.E.F.No.01/2015-16 dated 10.07.2015 issued by the first respondent, thereby, attaching his property situated in Old S.No.87, New R.S.No.126/4D of Periya Semur Village, Erode District and having Ward No.18, Old Door No.87, Door No.64 of Ellapalayam Road, Periyasemur III Grade Municipality measuring to an extent of 1845 sq.ft and consequently, direct the fourth respondent to remove the entries made in the records.

2.When the matter was taken up for consideration, the learned counsel for the petitioner submitted that subsequent to the filing of this writ petition, the third respondent, who is the original owner of the property in question, filed an appeal in CMA(CS) No.21 of 2015 before the Co-operative Tribunal (Principal District Court), Erode District seeking to quash the attachment order dated 10.07.2015 passed in CEP No.01/2015-16, which is impugned in this writ petition and the said appeal, by order dated 17.02.2017, was allowed by setting aside the said attachment order. The said submission was fairly conceded by the learned counsel appearing for the respective respondents.

3.In view of the aforesaid subsequent development, the relief sought for herein has become infructuous. Hence, it is open to the parties to proceed further and the authority concerned, who made entries in the records pertaining to the property in question, shall pass appropriate orders, in accordance with law, on the basis of the order dated 17.02.2017 in CMA(CS) No.21 of 2015 passed by the Co-operative Tribunal, Erode.

4.This writ petition stands disposed of in the above terms. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS-VI)

//True copy//

Sub Assistant Registrar

rk

To

1.The Assistant Director of Handlooms and Textiles,
Erode.

2.The Sub Registrar,
Office of the Sub Registrar,
Surampatti, Erode.

+1cc to M/s.T.M.Hariharan, Advocate SR.No.74763

+1cc to M/s.I.C.Vasudevan, Advocate SR.No.75441

W.P.No.29343 of 2015

AD(CO)

GMV(04/12/2018)



WEB COPY