

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :14.06.2018

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.38362 of 2015

and

M.P.No.2 of 2015

and

W.M.P.Nos.5964 of 2016 & 24671 of 2017

S.627, Salem Milk Consumers' Co-operative
Society Limited, Represented by its Secretary
No.6, IV Cross, Maravaneri Extension
Salem - 636 007.Petitioner

vs

1.The Deputy Registrar(Dairying)
Salem.

2.The Senior Inspector(Sales Officer)
Office of the Deputy Registrar(Dairying)
Salem.

3.ED 912, Salem District Co-opearative
Milk Producers Union Ltd, (SDCMPU)
Represented by its General manager
Dhalavaipatti,
Salem - 636 302. Respondents

Prayer: Writ Petition filed under Article 226 of the
Constitution of India praying to issue a Writ of Certiorari,
calling for the entire records relating to the 1st respondent
proceeding in conditional attachment petitions Nos.1/2015-16
dated 12.10.2015, of property in (i) Door No.56A/1144, 12/1, 4th
Cross, Maravaneri, Salem - 636 007 and (ii) 3.17 acres of land
in present Survey No.71/2, Patta No.425, in Alagapuram Village,
Salem Taluk, Salem District, quash the same.

For Petitioner :M/s.D.Shivakumaran

For Respondents :Mr.L.P.Shanmugasundaram, Spl GP
(Co-opeartives) for R1 and R2
V.Raghupathi for R3

O R D E R

The order of attachment issued by the respondent in proceedings dated 12.10.2015 is under challenge in this writ petition.

2.The writ petitioner is a Co-operative Society, registered under the provisions of the Tamil Nadu Co-operative Societies Act, 1983.

3.The learned counsel appearing on behalf of the writ petitioner made a submission that the order of attachment has been passed without even issuing any notice to the writ petitioner and without following the procedures as contemplated under Section 167 of the Tamil Nadu Co-operative Societies Act. Thus, the very order of attachment is untenable even as per the provisions of the Tamil Nadu Co-operative Societies Act itself.

4.May that it be, this Court is of an opinion that against the order passed under Section 167 of the Tamil Nadu Co-operative Societies Act, an appeal lies before the Cooperative Tribunal under Section 152 of the Tamil Nadu Co-operative Societies Act. Thus, the writ petitioner has to exhaust the remedy of appeal as contemplated under Section 152 of the Tamil Nadu Co-operative Societies Act.

5.The learned counsel for the petitioner made a submission that the writ petitioner may be granted with liberty to approach the Cooperative Tribunal. When the provision of appeal is prescribed in the statute itself, the writ petitioner is certainly entitled to approach the Cooperative Tribunal for the purpose of redressing his grievances. Thus, the writ petitioner is at liberty to approach the Cooperative Tribunal under Section 152 of the Tamil Nadu Co-operative Societies Act.

6.Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To

1.The Deputy Registrar(Dairying)
Salem.

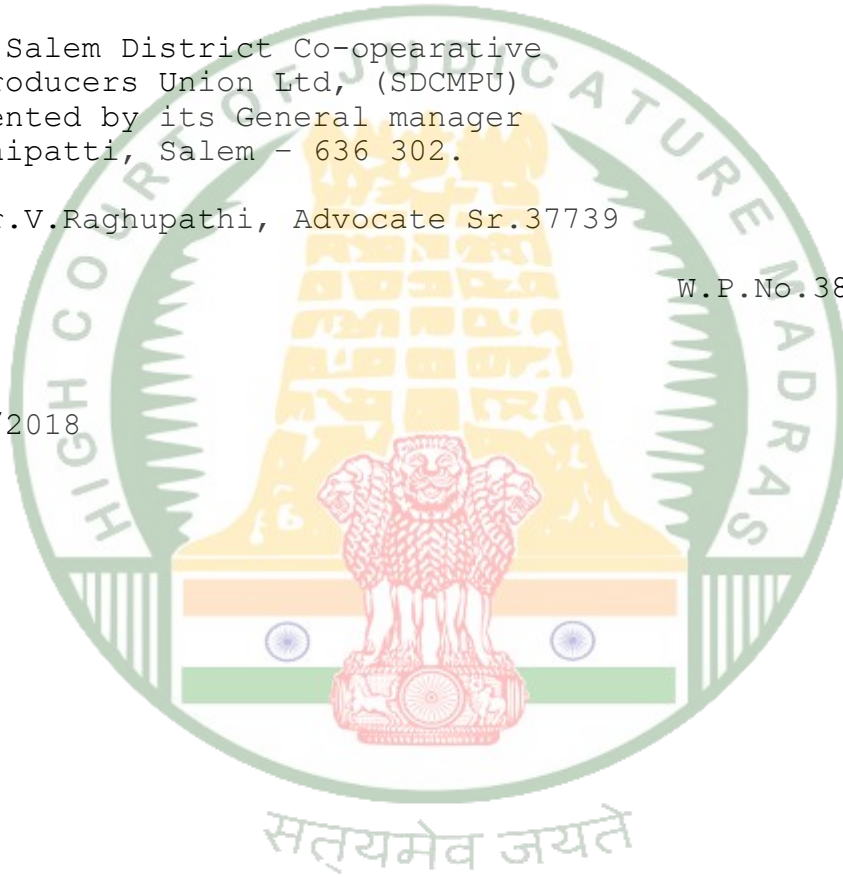
2.The Senior Inspector(Sales Officer)
Office of the Deputy Registrar(Dairying)
Salem

3.ED 912, Salem District Co-operative
Milk Producers Union Ltd, (SDCMPU)
Represented by its General manager
Dhalavaipatti, Salem - 636 302.

+lcc to Mr.V.Raghupathi, Advocate Sr.37739

W.P.No.38362 of 2015

srg 26/06/2018



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