

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.12.2018

CORAM

THE HONOURABLE Mr.JUSTICE V.BHARATHIDASAN

W.P. 26623 of 2017

and

W.M.P.28338 of 2017

N.Anandhi

... Petitioner

Vs

1. The Deputy Registrar of
Cooperative Societies,
Dharapuram Circle,
Dharapuram,
Tiruppur District.
2. The President,
K.797, Kongalnagaram Primary
Agricultural Cooperative Credit
Society, Kongalnagaram,
Gudimangalam Via,
Udumalpet Taluk, Tiruppur Dt.
3. The Sale Officer/Cooperative
Sub-Registrar,
Gudimangalam,
O/o. Deputy Registrar of Cooperative
Societies, Dharapuram Circle,
Dharapuram, Tiruppur Dt.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue appropriate Writs, orders or Directions and in particular issue a Writ of Certiorari, calling for the entire records relating to the impugned order passed by the 1st respondent in his proceedings E.P.No.69 of 2017-2018 Award No.1/2007, dated 04.10.2017 and quash the same.

For Petitioner : Mr.C.Prakasam

For Respondents : Mr.L.P.Shanmugasundaram,
Special Government Pleader
for R1 & R3

Mr.M.S.Palaniswamy,
Standing Counsel for R2

O R D E R

This writ petition has been filed challenging the demand notice issued by the 1st respondent directing the petitioner to pay the amount due from her husband.

2. Admittedly, a proceedings under Sec.87 of the Tamil Nadu Cooperative Societies Act has been initiated against the petitioner's husband. Thereafter, the attachment proceedings was also initiated, in which the property stands in the name of the petitioner was attached, and brought to auction. Earlier, the petitioner has filed a Writ Petition to raise the attachment in W.P.No.18782 of 2016, and this Court by an order dated 07.06.2016 permitted the petitioner to withdraw the Writ Petition with a liberty to agitate the matter before the appropriate authority.

3. Now, it is stated by the learned counsel appearing for the petitioner that the attachment proceedings is pending before the 1st respondent, and pending attachment proceedings, the impugned notice has been issued to the petitioner's husband.

4. Considering the fact that already, the property has been attached, the petitioner has now only received a notice issued to the petitioner's husband to pay the amount. If at all, the petitioner has any grievance with regard to the attachment of property, it is always open to the petitioner to approach the competent authority to challenge the attachment proceedings, at any rate, she cannot challenge the present notice. In the result, the present Writ Petition stands dismissed. No costs. Consequently, the connected Writ Miscellaneous Petition is closed.

rpp

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

1. The Deputy Registrar of
Cooperative Societies,
Dharapuram Circle,
Dharapuram,
Tiruppur District.
2. The President,
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Agricultural Cooperative Credit
Society, Kongalnagaram,
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3. The Sale Officer/Cooperative
Sub-Registrar,
Gudimangalam,
O/o. Deputy Registrar of Cooperative
Societies,
Dharapuram Circle, Dharapuram,
Tiruppur Dt.

+1cc to Mr.M.S.Palaniswamy, Advocate, SR.NO.83435/18
+1cc to The Govt.Pleader, SR.NO.83738/18

W.P.26623 of 2017
and
W.M.P. 28338 of 2017

ssd(CO)
kak(08/02/2019)