

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.12.2018

CORAM

THE HONOURABLE Mr.JUSTICE V.BHARATHIDASAN

W.P. 27242 of 2017

and

W.M.P.29094 of 2017

M.Mayilsamy

... Petitioner

Vs

1. The Deputy Registrar of
Cooperative Societies,
Dharapuram Circle,
Dharapuram,
Tiruppur District.
2. The President,
K.797, Kongainagaram Primary
Agricultural Cooperative Credit
Society, Kongalnagaram,
Gudimangalam Via,
Udumalpet Taluk, Tiruppur Dt.
3. The Sale Officer/Cooperative
Sub-Registrar,
Superintendent-2,
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.71 of 2017-2018 Award No.1/2017, 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 his son.

2. The grievance of the petitioner is that a proceedings under Sec.87 of the Tamil Nadu Cooperative Societies Act has been initiated against the petitioner's son. Thereafter, surcharge proceedings has been initiated against him. Now, for recovery of that amount, the property belonged to the petitioner has been attached. After attachment, the present notice has been issued to the petitioner directing him to pay the amount.

3. Admittedly, the demand notice is issued against the petitioner's son, and it is also an admitted fact that the petitioner's property was already attached, and the attachment proceedings is pending before the 1st respondent. If at all the petitioner has any grievance against the order of attachment, it is always open to the petitioner to approach the competent authority to challenge the attachment proceedings, and the petitioner cannot challenge the present impugned notice. In the result, the present Writ Petition stands dismissed. No costs. Consequently, the connected Writ Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

rpp
To

1. The Deputy Registrar of
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Dharapuram,
Tiruppur District.

2. The President,
K.797, Kongainagaram Primary
Agricultural Cooperative Credit
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Societies,
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Tiruppur Dt.

+1cc to Mr.M.S.Palaniswamy, Advocate Sr.83437
+1cc to the Government Pleader Sr.83737

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and
W.M.P. 29094 of 2017

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srg 31/01/2019