

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.11.2018

CORAM

THE HONOURABLE Mr.JUSTICE V.BHARATHIDASAN

W.P. 28775 of 2017
in
W.M.P.30950 of 2017

A.Uma Maheshwari

... Petitioner

Vs

The Deputy Registrar of Cooperative
Societies,
Dharapuram Circle,
No.24/2, Bheemar Agarahara Street
(Katcheri Veedhi),
Dharapuram-638 656.

... Respondent

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 Certiorarified Mandamus, to call for the records pertaining to Execution Petition No.74/2017-2018 in Case No.tha.Thee.No.1/2017, dated 28.10.2017 and quash the same as illegal and contrary to Section 87(2) of the Tamil Nadu Cooperative Societies Act, 1983.

For Petitioner : Mr.K.Elango

For Respondent : Mr.L.P.Shanmugasundaram,
Special Government Pleader

O R D E R

This writ petition has been filed challenging the notice issued by the respondent directing the petitioner to pay the decree amount, in absence, the property already attached by the respondent will be brought into sale.

2. Mr.K.Elango, learned counsel for the petitioner submitted that the decree has been passed against the petitioner's husband, for which, now, the demand notice has been issued to the petitioner. Whereas, already the respondent society has sent a letter to the petitioner dated 17.07.2017, wherein it is stated that the petitioner's property has been

wrongly attached, whereas, the respondent has once again issued the impugned notice directing the petitioner to pay the amount.

3. Admittedly, the petitioner's property has already been attached, and after the attachment, the impugned notice has been issued under Rule 124(6) of the Tamil Nadu Cooperative Societies Rules directing the petitioner to pay the amount. If at all, the petitioner has any grievance against the order of attachment, she has to challenge the same, and without challenging the same, the petitioner cannot challenge the impugned notice, and it is only directing her to pay the amount in order to avoid the property being sold in the public auction, and the petitioner cannot maintain the Writ Petition challenging the present notice. Therefore, the present Writ Petition stands dismissed. However, it is always open to the petitioner to challenge the order of attachment, and the respondents are directed to serve the copy of the order of attachment within a period of one week from the date of receipt of the copy of this order. No costs. Consequently, the connected Writ Miscellaneous Petition is closed.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

rpp

To

The Deputy Registrar of Cooperative
Societies,
Dharapuram Circle,
No.24/2, Bheemar Agarahara Street
(Katcheri Veedhi),
Dharapuram-638 656.

+1cc to Mr.K.Elango, Advocate Sr.76004

W.P.28775 of 2017
and
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srg 21/12/2018