

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.10.2018

CORAM

THE HONOURABLE MR.JUSTICE R. SURESH KUMAR

W.P.No.19737 of 2002

1. Marathal (died)
2. Mylsamy
3. Anandhi

2 and 3 are substituted as LRS of deceased P.Marathal as per order dated 22.09.2017 by DKKJ in W.M.P.No.23523 of 2017 in W.P.No.19737 of 2002Petitioners

..Vs..

1. The Deputy Registrar of Cooperative Societies
11, Market Road,
Pollachi, Coimbatore District.
2. Eripatty Primary Agricultural Cooperative Bank Ltd
TP.SPL.40, rep by its Special Officer,
Earipatty, Pollachi Taluk,
Coimbatore District.
3. K.NatarjanRespondents

Prayer: Writ petition filed under Article 226 of the Constitution of India prays to issue a Writ of Certiorari to call for the records relating to the order bearing CAM No.2873 of 2001 dated 23.03.2001 on the file of the first respondent and to quash the same insofar as the same is relating to her absolute property bearing S.F.No.73/2 in Chinna Negaman Village, Pollachi Taluk, Coimbatore District and measuring 7.51 Acres (3.04.04 HAC).

For petitioners	: Mr.K.P.Jotheeswaran
For respondents 1 & 2	: Ms.T.Girija, AGP
For respondent 3	: No appearance

ORDER

The prayer sought for herein in this Writ Petition is for the issuance of a Writ of Certiorari to call for the records relating to the order bearing CAM No.2873 of 2002 dated 23.03.2001 on the file of the first respondent and to quash the same insofar as the same is relating to petitioners' property bearing S.F.No.73/2 in Chinna Negamam Village, Pollachi Taluk, Coimbatore District and measuring 7.51 Acres (3.04.04 HAC).

2. It is submitted by the learned Additional Government Pleader appearing for the respondents that, the issue raised in this writ petition is covered by authoritative pronouncement of this Court by a Division Bench judgment made in W.A.No.1101 of 2008 in the case of A.Balaraman and others -vs- The Deputy Registrar of Co-operative Societies and others, by order dated 11.12.2008 and the said judgment is also reported in 2008 (6) CTC 304.

3. Though the said factor has been brought to the notice of this Court by the learned Additional Government Pleader appearing for the respondents, the learned counsel appearing for the petitioners wanted to make some more submissions in this regard and sought accommodation till 05.10.2018. Therefore, the case was posted under the caption 'for orders' and has come up for hearing today.

4. I have heard Ms.T.Girija, learned Additional Government Pleader appearing for the respondents and have gone through the judgment referred to above.

5. In view of the decision made by the division bench of this Court reported in 2008 (6) CTC 304 (supra), the issue raised in this Writ Petition is covered by the same and hence, the relief sought for by the petitioner cannot be granted. Therefore, the Writ Petition fails and it is liable to be dismissed.

6. Accordingly, the Writ Petition is dismissed. No costs. However, subsequently, the learned counsel appearing for the petitioner made a mention that while dismissing the writ petition, if a liberty is given to the petitioner to approach the Tribunal in the manner known to law, the petitioner would be satisfied.

7. With regard to the said plea, there is no opposition from the respondent side and in view of the same, while dismissing this Writ Petition, the petitioner shall be at liberty to approach the Tribunal in the manner known to law.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

srn

To

1. The Deputy Registrar of Cooperative Societies
11, Market Road,
Pollachi, Coimbatore District.
2. The Special Officer
Eripatty Primary Agricultural Cooperative Bank Ltd
TP.SPL.40,
Special Officer,
Earipatty, Pollachi Taluk,
Coimbatore District.

+1cc to Mr. K.P.Jotheeswaran, Advocate SR.No. 69941
+1 CC TO GOVERNMENT PLEADER SR.NO. 69665

W.P.No.19737 of 2002

ASK(15/11/2018)

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