



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.01.2018

CORAM :

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

WP (MD) No.523 of 2018

and

WMP (MD) No.517 of 2018

P.Malayappan

... Petitioner

Vs.

The Deputy Registrar of Co-op. Societies,
11/223, Raja Nagar,
Lakshmipuram,
Palani - 624 601,
Dindigul District.

... Respondent

Petition filed under Article 226 Constitution of India to issue a Writ of Mandamus directing the respondent not to take coercive steps against the petitioner and his properties pending disposal of the Appeal in C.M.A.No.4 of 2016 on the file of the special Tribunal for Co-op. Cases (Principal District Court) Dindigul.

For Petitioner

: Mr.V.O.S.Kalaiselvam

For Respondent

: Mr.M.Rajarajan

Government Advocate

ORDER

This writ petition has been filed seeking a direction to the respondent not to take coercive steps against the petitioner and his properties pending disposal of the Appeal in C.M.A.No.4 of 2016 on the file of the special Tribunal for Co-op. Cases (Principal District Court) Dindigul.

2.Heard Mr.V.O.S.Kalaiselvam, learned counsel appearing for the petitioner and Mr.M.Rajarajan, learned Government Advocate for the respondents. By consent, this writ petition is taken up for final disposal at the stage of admission itself.

3.According to the petitioner, challenging the surcharge proceedings, he has filed an appeal in C.M.A.No.4 of 2016 on the file of the Special Tribunal for Co-operative Cases (Principal District Court) Dindigul. Pending Appeal, the petitioner has also filed an application in I.A.No.150 of 2017, seeking stay of the surcharge proceedings. The Tribunal heard the interim application and posted the matter for orders on 17.01.2018. Now, according to the petitioner, auction is scheduled to be held on 19.01.2018 and hence, he filed this writ petition, seeking a direction to the respondent not to take any coercive action against the petitioner, pending disposal of the appeal.



4. Admittedly, the interim application filed by the petitioner has been heard and the Tribunal has reserved the matter for orders on 17.01.2018 and auction is scheduled to be held on 19.01.2018.

5. In the above circumstances, no relief can be granted to the petitioner as sought in the writ petition. However, the Special Tribunal for Co-operative Cases (Principal District Court) Dindigul is directed to pass orders in the interim application filed by the petitioner in I.A.No.150 of 2017 positively on or before 19.01.2018.

6. The writ petition is dismissed accordingly. No costs. Consequently, WMP(MD)No.517 of 2018 is closed.

Sd/-
Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To

1 The Deputy Registrar of Co-op. Societies,
11/223, Raja Nagar,
Lakshmipuram,
Palani - 624 601,
Dindigul District.

2 The Special Tribunal for Co-op. Cases,
(Principal District Court),
Dindigul.

+1cc to M/S.V.O.S.Kalaiselvam, Advocate SR.No. 41341

+1cc to Special Government Pleader, SR.No. 41939

WP(MD)No.523 of 2018
10.01.2018

MJ
JM/PM PN/SAR 1/18.01.2018/2P/5C