

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.03.2019

CORAM

THE HONOURABLE Mr.JUSTICE D.KRISHNAKUMAR

W.P.Nos.4998 & 5007 of 2019 &
W.M.P.Nos.5707 & 5714 of 2019

C.Rajeswari ... Petitioner in
W.P.No.4998 of 2019

B.S.Venkatesan ... Petitioner in
W.P.No.5007 of 2019

Vs.

1. The Deputy Registrar of
Co-operative Societies,
Hosur Circle, Hosur,
Krishnagiri District.
 2. The President,
D.K.80, Berigai Primary Agricultural
Co-operative Credit Society,
Sulagiri Road, Berigai - 635 105,
Sulagiri Taluk,
Krishnagiri District.
- ... Respondents in
both Writ Petitions

Prayer in both Writ Petitions:- These Writ Petitions are filed under Article 226 of the Constitution of India, seeking for issuance of Writ of Certiorari, to call for the entire records relating to the impugned order passed by the first respondent in his proceedings Na.Ka.380/2019 Sa.Pa.(1) & (2) respectively, dated 09.02.2019 and quash the same.

For Petitioner in
both W.Ps' : Mr.C.Prakasam

For Respondents in
both W.Ps' : Mr.Bala Ramesh
Special Government Pleader for R1

Mr.M.S.Palaniswamy
Standing Counsel for R2

C O M M O N O R D E R

Challenging the impugned attachment order of the first respondent-Deputy Registrar of Co-operative Societies issued under Section 167(2) of the Tamil Nadu Cooperative Societies Act, dated 09.02.2019, petitioners have come up with these Writ Petitions.

2. According to the learned counsel for the petitioners, the first respondent without passing any orders on the petitioners' explanation dated 25.01.2019, passed the impugned order for execution of bond to the tune of Rs.2,79,18,967/- & Rs.6,47,49,818/- respectively. Hence, learned counsel for the petitioners seeks to quash the impugned orders.

3. The learned Special Government Pleader appearing for the respondents would submit that on an earlier occasion, the petitioners approached this Court to extend the benefit of the loan waiver scheme and challenged the notice issued under Section 81 of the Tamil Nadu Co-operative Societies Act and the same were dismissed by this Court and only thereafter, impugned order has been passed, directing the petitioners to execute a bond to the tune of Rs.2,79,18,967/- & Rs.6,47,49,818/- respectively. He would further submit that these Writ Petitions are not maintainable, since the petitioners approached this Court without exhausting alternative remedy available under Section 152 of the Tamil Nadu Co-operative Societies Act.

4. In view of the above submissions, these Writ Petitions are not maintainable. However, liberty is given to the petitioners to approach the Appellate Authority, by filing an Appeal under Section 152 of the Tamil Nadu Co-operatives Act within a period of one week from the date of receipt of a copy of this order. Till then, the respondents shall not take any action against the petitioners.

5. Accordingly, these Writ Petitions are dismissed. There is no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

r n s

To

1.The Deputy Registrar of
Co-operative Societies,
Hosur Circle, Hosur,
Krishnagiri District.

2.The President,
D.K.80, Berigai Primary Agricultural
Co-operative Credit Society,
Sulagiri Road, Berigai - 635 105,
Sulagiri Taluk,
Krishnagiri District.

+2 ccs to Mr.C.Prakasam, Advocate, S.R.No.24884 and 24885

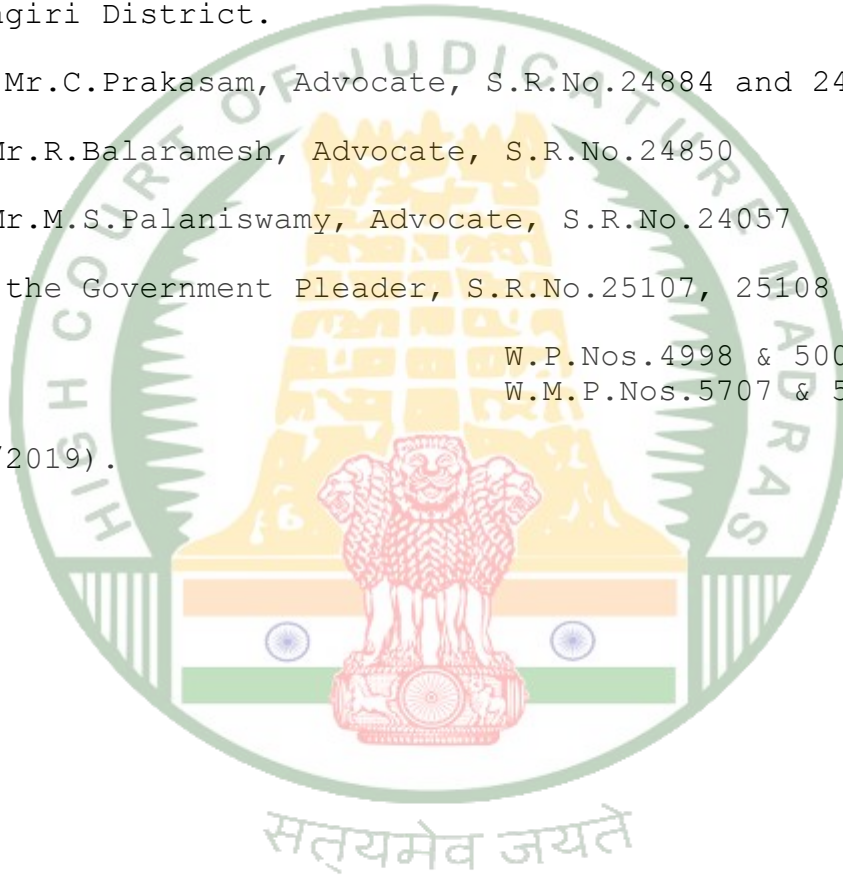
+1 cc to Mr.R.Balaramesh, Advocate, S.R.No.24850

+1 cc to Mr.M.S.Palaniswamy, Advocate, S.R.No.24057

+2 ccs to the Government Pleader, S.R.No.25107, 25108

W.P.Nos.4998 & 5007 of 2019 &
W.M.P.Nos.5707 & 5714 of 2019

VBA (CO)
SSM(18/03/2019).



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