

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.09.2019

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

W.P.No.15062 of 2019
and W.M.P.No.15041 of 2019

1.P.Balasubramaniam
2.S.Arunkumar
3.A.Varadaraj
4.R.Selvaraj
5.K.R.Praveen
6.V.Sasikala
7.A.Ranjith Kumar
8.N.Perumalsamy
9.P.Srinivasan
10.P.Sivashanmugam
11.Suresh Kumar
12.Parvathy

.. Petitioners

/versus/

1.The Deputy Registrar of Co-operative Societies,
Coimbatore Circle,
Coimbatore.

2.R.Varadharajan

3.M.Selvi

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issue of Writ of Certiorari, calling for the records of the 1st respondent in respect of the order of attachment dated 12.04.2019 in C.E.P.No.03/2019/S.F.3(3) as arbitrary, illegal and the same has been passed in total violation of the procedures contemplated under the Tamil Nadu Co-operatives Act, 1983 and quash the same.

For Petitioners

: Ms.Chitra Sampath
For M.Guruprasad

For Respondents

: Mr.L.P.shanmugasundaram
Spl.Govt.Pleader for R1
No appearance for R2 and R3

O R D E R

This writ petition is filed by one P.Balasubramaniam and others alleging that they have purchased the house site from the promoters of the "Thai layout" through valid sale deeds. While so, an order of attachment dated 12.04.2019 has been passed by the 1st respondent in respect of the property in view of the surcharge proceedings initiated by the 1st respondent against the respondents 2 and 3.

2. This Court, at the time of admission found prima facie case in favour of the petitioner, hence ordered interim stay of further proceedings in respect of the order of attachment passed by the 1st respondent on 12.04.2019.

3. After notice, the learned Special Government Pleader representing the 1st respondent today circulated the proceedings of the 1st respondent dated 24.07.2019, wherein it is stated that after the debtor has furnished the alternate property as security, they have decided to raise the attachment of the petitioners property and communication to the Sub Registrar to that effect has also been sent. The copy of the communication of the Deputy Registrar of Co-operative Societies to the Sub Registrar, Madukkarai is also annexed and submitted to this Court.

4. On perusal of the communication, this Court finds that the 1st respondent taking into consideration the request of the 2nd respondent and the administrator of the Society has revoked the order of attachment dated 12.04.2019 in exercise of its power conferred under Rule 140(iii)A and 4 of Co-operative Society Rules, 1998.

5. In view of the said communication nothing survives in this writ petition and hence the writ petition is disposed of as infructuous. Consequently, the connected miscellaneous petition is closed. No costs.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

rpl

To

The Deputy Registrar of Co-operative Societies,
Coimbatore Circle, Coimbatore.

+1cc to Mr.Guruprasad , Advocate SR.No. 82993

+1 cc to Government Pleader Sr.No. 83171

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A.SK(23/10/2019)