

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED 21.02.2019

CORAM
THE HONOURABLE Mr.JUSTICE D.KRISHNAKUMAR

W.P.No.27982 of 2018
AND W.M.P.No.32553 of 2018

V.K.Varadhan

..Petitioner

Vs

1.The Deputy Registrar of Co-operative Societies,
Thandapani Nagar, Semmandalam,
Cuddalore-1.

2.The Sale Officer,
C/o.The Deputy Registrar of Co-operative Societies,
Thandapani Nagar, Semmandalam,
Cuddalore-1.

3.The President,
E.2610, Vasantharayanpalayam,
Urban Co-operative Credit Society Ltd.,
Kapper Hills Road,
Vasantharayanpalayam,
Cuddalore District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari calling for the records relating to the proceeding CEP.No.2/2018-19 dated 24.09.2018 on the file of the 1st respondent herein and quash the same.

For Petitioner : Mr.S.Sairanjan

For Respondents : Mr.L.P.Shanmugasundaram,
Spl. Govt. Pleader

ORDER

The Writ Petition has been filed to quash the conditional attachment order dated 24.09.2018 passed by the 1st respondent in CEP.No.2/2018-19.

2.The learned counsel for the petitioner would submit that the petitioner is employed as Clerk-cum-Appraiser in the 3rd respondent Society and was entrusted with the work of appraising the gold jewels offered by the farmers for getting loans and was

also in charge of fertilizer sales. During inspection by the 1st respondent, he noticed some malpractices and ordered for statutory enquiry under Section 81 of the Tamil Nadu Co-operative Societies Act, 1983 (for brevity "the Act"). To the shock and surprise, the petitioner was issued with the impugned order of attachment by the 1st respondent without initiating the proceedings under Section 81 of the Act, which is illegal, without jurisdiction and contrary to the provisions of law and sought to set aside the same.

3.The learned Special Government Pleader has placed a copy of the proceedings before this Court under Section 87 of the Act passed by the 1st respondent in Na.Ka.3221/2018 dated 18.01.2019. Therefore, the contention of the petitioner is incorrect and no prejudice would be caused to the petitioner.

4.In the light of the decision rendered by this Court in the case of V.Sundaram Vs. The Deputy Registrar Cooperative Societies (Milk), Vellore Circle & Another [CDJ 2009 MHC 434], the 1st respondent has not initiated appropriate proceedings under Section 87 of the Act at the time of impugned conditional order passed. Therefore, this Court has no hesitation to quash the impugned proceedings and accordingly, this writ petition is allowed. However, liberty is granted to the 1st respondent to pass fresh orders as per the provisions under the law within a period of four weeks from the date of receipt of a copy of this order. It is made clear that in the interregnum, the petitioner shall not alienate or encumber or create third party rights in respect of the property specified in the impugned order. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

1.The Deputy Registrar of Co-operative Societies,
Thandapani Nagar, Semmandalam,
Cuddalore-1.

2.The Sale Officer,
C/o.The Deputy Registrar of Co-operative Societies,
Thandapani Nagar, Semmandalam,
Cuddalore-1.

3.The President,
E.2610, Vasantharayanpalayam,
Urban Co-operative Credit Society Ltd.,
Kapper Hills Road,
Vasantharayanpalayam,
Cuddalore District.

+1cc to Mr.Shanmuga Sundaram, Advocate, S.R.No.16281
+1cc to the Government Pleader, S.R.No.16643

W.P.No.27982 of 2018

MG (CO)

rrs 22/03/2019



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