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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.03.2019

CORAM

THE HONOURABLE MR. JUSTICE R. MAHADEVAN

W.P(MD) Nos.16560 to 16575 of 2015
and
MP(MD) Nos.1 of 2015(in all WPs)

Raju

... Petitioner in all WPs

vs.

1.The Deputy Registrar
Cooperative Societies,
Dindigul,
Dindigul District.

2.The President,
DD 582, Konoor Primary Agricultural
Cooperative Bank,
Konoor,
Dindigul District.

... Respondents in all WPs

Prayer in WP(MD).16560 of 2015: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus call for the records of the 1st respondent in his proceedings in Ni.Ma.No.28/2007 and Thava No.3/2001 dated 27.08.2015 issued against the petitioner and quash the same and consequently direct the respondents to release all liabilities from recovery proceedings and release all retirement benefits to the petitioner within the time frame fixed by this Court.

Prayer in WP(MD). 16561/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus call for the records of the 1st respondent in his proceedings in Ni.Ma.No.29/2007 and Thava No.4/2001 dated 27.08.2015 against the petitioner and quash the same and consequently direct the respondents to release all liabilities from recovery proceedings and release all retirement benefits to the petitioner within time frame fixed by this Honourable Court.

Prayer in WP(MD). 16562/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus call for the records of the 1st respondent in his



proceedings in Ni.Ma.No.586/2005 and Thava No.30/2003 dated 27.08.2015 against the petitioner and quash the same and consequently direct the respondents to release all liabilities from recovery proceedings and release all retirement benefits to the petitioner within time frame fixed by this Hon'ble Court.

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Prayer in WP(MD). 16563/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus call for the records of the 1st respondent in his proceedings in Ni.Ma.No.30/2007 and Thava No.5/2001 dated 27.08.2015 against the petitioner and quash the same and consequently direct the respondents to release all liabilities from recovery proceedings and release all retirement benefits to the petitioner within time frame fixed by this Honourable Court.

Prayer in WP(MD). 16564/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus call for the records of the 1st respondent in his proceedings in Ni.Ma.No.31/2007 and Thava No.6/2001 dated 27.08.2015 against the petitioner and quash the same and consequently direct the respondents to release all liabilities from recovery proceedings and release all retirement benefits to the petitioner within time frame fixed by this Hon'ble Court.

Prayer in WP(MD). 16565/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus call for the records of the 1st respondent in his proceedings in Ni.Ma.No.32/2007 and Thava No.7/2001 dated 27.08.2015 against the petitioner and quash the same and consequently direct the respondents to release all liabilities from recovery proceedings and release all retirement benefits to the petitioner within time frame fixed by this Honourable Court.

Prayer in WP(MD). 16566/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus call for the records of the 1st respondent in his proceedings in Ni.Ma.No.33/2007 and Thava No.8/2001 dated 27.08.2015 against the petitioner and quash the same and consequently direct the respondents to release all liabilities from recovery proceedings and release all retirement benefits to the petitioner within time frame fixed by this Hon'ble Court.

Prayer in WP(MD). 16567/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus call for the records of the 1st respondent in his proceedings in Ni.Ma.No.34/2007 and Thava No.9/2001 dated 27.08.2015 against the petitioner and quash the same and



consequently direct the respondents to release all liabilities from recovery proceedings and release all retirement benefits to the petitioner within time frame fixed by this Honourable Court.

Prayer in WP(MD). 16568/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus call for the records of the 1st respondent in his proceedings in Ni.Ma.No.35/2007 and Thava No.10/2001 dated 27.08.2015 against the petitioner and quash the same and consequently direct the respondents to release all liabilities from recovery proceedings and release all retirement benefits to the petitioner within time frame fixed by this Hon'ble Court.

Prayer in WP(MD). 16569/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus call for the records of the 1st respondent in his proceedings in Ni.Ma.No.36/2007 and Thava No.11/2001 dated 27.08.2015 against the petitioner and quash the same and consequently direct the respondents to release all liabilities from recovery proceedings and release all retirement benefits to the petitioner within time frame fixed by this Honourable Court.

Prayer in WP(MD). 16570/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus call for the records of the 1st respondent in his proceedings in Ni.Ma.No.37/2007 and Thava No.12/2001 dated 27.08.2015 against the petitioner and quash the same and consequently direct the respondents to release all liabilities from recovery proceedings and release all retirement benefits to the petitioner within time frame fixed by this Hon'ble Court.

Prayer in WP(MD). 16571/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus call for the records of the 1st respondent in his proceedings in Ni.Ma.No.38/2007 and Thava No.13/2001 dated 27.08.2015 against the petitioner and quash the same and consequently direct the respondents to release all liabilities from recovery proceedings and release all retirement benefits to the petitioner within time frame fixed by this Honourable Court.

Prayer in WP(MD). 16572/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus call for the records of the 1st respondent in his proceedings in Ni.Ma.No.39/2007 and Thava No.15/2001 dated 27.08.2015 against the petitioner and quash the same and consequently direct the respondents to release all liabilities from recovery proceedings and release all retirement benefits to the



petitioner within time frame fixed by this Hon'ble Court.

Prayer in WP(MD). 16573/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus call for the records of the 1st respondent in his proceedings in Ni.Ma.No.41/2007 and Thava No.12/2001 dated 27.08.2015 against the petitioner and quash the same and consequently direct the respondents to release all liabilities from recovery proceedings and release all retirement benefits to the petitioner within time frame fixed by this Honourable Court.

Prayer in WP(MD). 16574/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus call for the records of the 1st respondent in his proceedings in Ni.Ma.No.42/2007 and Thava No.13/2001 dated 27.08.2015 against the petitioner and quash the same and consequently direct the respondents to release all liabilities from recovery proceedings and release all retirement benefits to the petitioner within time frame fixed by this Hon'ble Court.

Prayer in WP(MD). 16575/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus call for the records of the 1st respondent in his proceedings in Ni.Ma.No.586/2005 and Thava No.30/2003 dated 27.08.2015 against the petitioner and quash the same and consequently direct the respondents to release all liabilities from recovery proceedings and release all retirement benefits to the petitioner within time frame fixed by this Honourable Court.

For Petitioner	:	Mr.G.Gomathi Sankar
For Respondents	:	Mrs.J.Padmavathy Devi Special Government Pleader

COMMON ORDER

These writ petitions have been filed to quash the impugned demand notices issued by first respondent dated 27.08.2015 and to direct the respondents to release all the liabilities recovered from the petitioner and disburse the retirement benefits due to him.

2.Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader for the respondents.

3.According to the learned counsel for the petitioner, the petitioner was working as a Clerk in the second respondent Cooperative Society. On account of misappropriation stated to be committed by the petitioner, the proceedings under Section 87 of the Tamil Nadu Cooperative Societies Act, 1983 have been initiated



by the first respondent and a conditional order of attachment has been passed against the petitioner. Challenging the same, the petitioner herein filed an Appeal before the Principal District Judge, Dindigul, who allowed the Appeal and set aside the attachment order. Aggrieved by the same, the respondents filed a writ petition in WP(MD)No.10589 of 2012, wherein this Court passed the following order on 07.08.2014:

"6.The order passed by the Deputy Registrar further does not refer to any arbitration proceedings at all. It is for these reasons, I hold that the conditional attachment order is not sustainable. But, the learned Tribunal has set aside the order on different grounds, which I do not want to examine, since I am finding that the attachment order passed by the Deputy Registrar is wholly without jurisdiction.

7.It is brought to my notice that in all the 16 arbitration proceedings, awards have been passed and in some matters execution petitions have also been filed. If that be so, it is for the petitioner to work out their remedies in those proceeding, in the manner known to law.

8.In view of the decision arrived at above, I do not find any merit in the writ petition. Accordingly, the writ petition is dismissed. No costs. Connected Miscellaneous petition is also dismissed."

4.Despite the same, the first respondent issued the impugned demand notices numbering 16 for the very same debt. Aggrieved against the same, the petitioner has filed the present writ petitions. At this juncture, the learned Special Government Pleader appearing for the respondents submitted that the execution proceedings are still pending and therefore, the petitioner should go before the Executing Court, seeking appropriate relief. The said submission was agreed upon by the learned counsel for the petitioner.

5.Considering the facts and circumstances of the case and having regard to the submissions now made by the learned counsel on either side, the petitioner is granted liberty to go before the Executing Court and produce all the materials, so as to pass appropriate orders forthwith in the execution proceedings.

6.All the writ petitions are disposed of accordingly. No costs. Consequently, MP(MD)Nos.1 to 1 of 2015 are closed.

Sd/-

Assistant Registrar (CO)

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Sub Assistant Registrar (CS)



To

1.The Deputy Registrar
Cooperative Societies,
Dindigul, Dindigul District.

2.The President,
DD 582, Konoor Primary Agricultural
Cooperative Bank,
Konoor, Dindigul District.

+1CC TO MR.G.GOMATHI SANKAR, Advocate Sr. No.56072

+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No.56284

W.P(MD) Nos.16560 to 16575 of 2015

NSN(CO)

TR (10.05.2019) 6P 5C