

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.09.2020

CORAM

THE HONOURABLE MR.JUSTICE N. ANAND VENKATESH

W.P.No.13477 of 2020 &
WMP.Nos. 16650 & 16651 of 2020

Tmt. S. Mallika

.. Petitioner

Vs.

1. The Registrar of Cooperative Societies,
O/o. The Registrar of Cooperative Societies,
No.170 EVR Road, Dr. Radhakrishnan Nagar,
Rasak Garden, SBA Officer's Colony,
Arumbakkam, Chennai 600 106.
2. The Joint Registrar of Cooperative Societies,
O/o. The Joint Registrar of Cooperative
Societies, Salem Region, Room No.410,
4th Floor, Collectorate Buildings,
Salem 636 005. Salem District.
3. The Deputy Registrar of Cooperative
Societies,
O/o. The Deputy Registrar of Cooperative
Societies,
Omalur Circle, Cutcheri Street,
Omalur, Omalur 11111636455,
Omalur Taluk, Salem District.
4. The Sale Officer,
O/o. The Deputy Registrar of
Cooperative Societies,
Omalur Circle, S 777, Nangavalli PACCS Ltd.,
Nangavalli, Nangavalli(post) - 636 454,
Mettur Taluk, Salem District.
5. The Administrator,
S 777, Nangavalli PACCS Ltd.,
Nangavalli, Nangavalli (post)-636 454
Mettur Taluk, Salem District.

.. Respondents

Prayer: Writ Petition filed under Section 226 of Constitution of India praying for issuance of Writ of Mandamus, to call for the records pertaining to the order passed by the 4th respondent in No.7 notice by invoking Section 90 of TNCS Act 1983 on 28.8.2020

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in pursuance to the order passed by the 3rd respondent in E.P.No.1 of 2016-2017 by invoking Section 167 of TNCS Act 1983 and quash the same and consequently issue direction directing the respondents to raise the attachment made as against the petitioners properties mentioned in the impugned notice by considering petitioner representation dated 23.2.2017.

For Petitioner : Mr.R.Marudhachalamurthi

For Respondents: Mr. L.P.Shanmugasundaram
1 to 4 Spl. Govt. Pleader

O R D E R

This writ Petition has been filed challenging the notice issued by the 4th respondent dated 28.08.2020, wherein, the subject property is sought to be brought for sale on the ground that the amount that was determined to be paid by the husband of the petitioner in Section 87 proceedings has not been paid.

2. The case of the petitioner is that the subject property belongs to her absolutely. This property has been illegally attached by the 3rd respondent, by an order dated 7.11.2016, by invoking section 167(2) of the Tamilnadu Cooperative Societies Act, 1983. According to the petitioner, an application has been filed before the 3rd respondent seeking for raising the attachment. Even without considering the application, the 4th respondent has now issued the impugned notice. Attempts are being made to bring the property for sale.

3. Heard Mr. R. Marudhachalamurthy, learned counsel appearing for petitioner and Mr.L.P.Shanmugasundaram, learned counsel appearing for the respondents 1 to 4.

4. The specific case of the petitioner is that he has already filed an application before the 3rd respondent for raising the order of attachment passed on 7.11.2016. The further case of the petitioner is that without passing any orders on the application filed by the petitioner, steps are taken by the 4th respondent to bring the property for sale.

5. In view of the fact that the petitioner has already approached the 3rd respondent by filing appropriate application, it will suffice, if a direction is given to the 3rd respondent to consider the application filed by the petitioner on 23.2.2017 and pass orders within the time fixed by this Court.

6. This Writ Petition is disposed of with a direction to the 3rd respondent to consider the application filed by the petitioner seeking to lift the order of attachment passed on

7.11.2016 and pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order. The petitioner is directed to make a fresh representation to the 3rd respondent along with a copy of the application and all relevant documents and the order passed by this Court. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

msr

To

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4. The Sale Officer,
O/o. The Deputy Registrar of
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5. The Administrator,
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+1cc to Mr.R.Marudhachalamurthy, Advocate SR.31987
+1cc to Spl.Government Pleader (Co-OP) SR.31909

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