



WEB COPY

W.P.(MD)No.17836 of 2013

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.10.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD)No.17836 of 2013

and

M.P. (MD)Nos.1 to 3 of 2013

P.Ranjitham

... Petitioner

Vs.

1. The Joint Registrar of Co-operative Societies,
Thanjavur Region,
Thanjavur.

2. The Deputy Registrar of Co-operative Societies,
Thanjavur Region,
Thanjavur.

3. The Special Officer,
T 859 Aalakudi Primary Agricultural
Co-operative Society Ltd.,
Aalakudi,
Thanjavur District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari to call for the records pertaining to the second respondent proceedings in his proceedings in Na.Ka.No.140/2006/Sa.Pa dated 05.08.2013 and quash the same.

For Petitioner : Mr.N.Shankar Ganesh

For Respondents : Mr. D.Muruganandham
Additional Government Pleader
for R.1 to R.3

ORDER

The sale notice issued by the Deputy Registrar of Co-operative Societies based on the surcharge order passed by the competent authority under Section 87 of the Tamil Nadu Co-operative Societies Act is under challenge in the present writ petition.

2. The writ petitioner is the wife of Late Mr.P.Victor, who was working as a Secretary in the third respondent Society. The husband of the writ petitioner was dismissed from service on 07.05.2011 by the first respondent on the allegation of embezzlement of money and the surcharge proceedings were initiated under Section 87(1) of the Tamil Nadu Co-operative Societies Act. The surcharge proceedings were challenged in C.M.A.No.15 of 2008 and the Co-operative Tribunal



delivered a judgment on 30.07.2012. Subsequently, execution proceedings were initiated in E.P.No.501/2005-2006 and based on the execution proceedings, the impugned sale notice was issued on 05.08.2013.

3. The Writ Petition under Article 226 of the Constitution of India cannot be entertained against the sale notice in view of the fact that the surcharge proceedings were issued under Section 87 of the Tamil Nadu Co-operative Societies Act and thereafter under Section 152 of the Act, the petitioner approached the Co-operative Tribunal and the execution proceedings were filed. This being the factum, the petitioner has not made any further appeal against the order passed in C.M.A. Under these circumstances, this Court is not inclined to consider the relief as such sought for in the present writ petition. Accordingly, the Writ Petition stands dismissed. Consequently, the connected Miscellaneous Petitions are also dismissed.

Sd/-

Assistant Registrar (A.E)

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/ /2020

Sub Assistant Registrar(CS)

SSL

To

1. The Joint Registrar of Co-operative Societies,
Thanjavur Region, Thanjavur.
2. The Deputy Registrar of Co-operative Societies,
Thanjavur Region, Thanjavur.
3. The Special Officer,
T 859 Aalakudi Primary Agricultural
Co-operative Society Ltd.,
Aalakudi,
Thanjavur District.

+1 CC to the SPL GP SR-20528.

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SSS(CO)

CS(05.11.2020) 2P 5C