



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 27.11.2020
CORAM

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

WEB COPY

W.P. (MD)No.14892 of 2020

A.Bhagavath Singh

: Petitioner

Vs.

1. The District Registrar,
Registration Department,
Office of the District Registrar,
Dindigul District, Dindigul.

2. The Sub Registrar,
Registration Department,
Office of the Sub Registrar,
Nilakottai, Dindigul District.

3. The Secretary,
A2486 Nilakottai Primary Agricultural
Cooperative Credit Society Limited,
Nilakottai, Dindigul.

: Respondents

PRAYER:- Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus, directing the 3rd respondent to release the attachment order in C.E.P.No.480/2003, dated 06.11.2003 on the file of the Arbitrator/Deputy Registrar of Co-operative Societies, Dindigul and to remove the entries in the 2nd respondent office in respect of Doc.No.6/2003, dated 06.11.2003.

For Petitioner
For Respondents

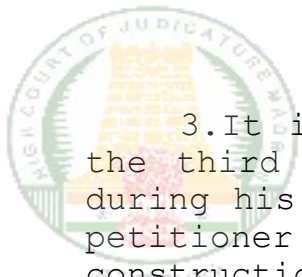
:Mr.A.P.Muthupandian
:Mr.K.Sathyasingh
Additional Government Pleader

ORDER

(This petition was heard through Video Conferencing)

This Writ Petition has been filed for a Mandamus seeking for a direction to the 3rd respondent to release the attachment order in C.E.P.No.480/2003, dated 06.11.2003 on the file of the Arbitrator/Deputy Registrar Co-operative Societies, Dindigul, and to remove the entries in the 2nd respondent office in respect of Doc.No.6/2003, dated 06.11.2003.

2.Heard Mr.A.P.Muthupandian, learned Counsel for the petitioner and Mr.K.Sathiyasingh, learned Additional Government Pleader for the respondents.



3.It is the case of the petitioner that he was a President of the third respondent Society. According to the third respondent, during his tenure as a President from 01.11.1996 to 24.05.2001, the petitioner received an amount of Rs.11,55,000/- from the Society for construction of modern bank building compound wall and to purchase empty barrels. It is the case of the third respondent that the petitioner refunded the amount of Rs.7,60,000/- and Rs.8,000/- to the 3rd respondent Society on 08.03.2020 and failed to pay the balance of Rs.3,87,500/-.

4.According to the third respondent, due to the non payment by the petitioner, the 3rd respondent referred the matter before the Arbitrator, Deputy Registrar Co-operative Societies. The Arbitrator passed an award against the petitioner on 30.01.2004 in ARC/1171/2003 calling upon the petitioner to pay the amount of Rs.4,78,292/- together with interest at 15% per annum till realisation. In default, recover the amount from the property attached as per order in C.E.P.No.480/2003, dated 06.11.2013 and registered before the Sub-Registrar, Nilakottai in Document No.6/03, dated 03.11.2003.

5.The petitioner aggrieved by the said award, filed an appeal in C.M.A.(CF)No.41 of 2017 under Section 152(1) of the Tamilnadu Co-operative Societies Act. By order, dated 09.03.2020, the learned Principal District Judge, Dindigul, allowed the appeal filed by the petitioner on the ground that without iota of any evidence, the Arbitrator passed the award, dated 13.01.2004. The petitioner has given a representation to the respondents on 22.09.2020 calling upon them to remove the attachment order, dated 06.11.2003 passed by them in C.E.P.No.480/2003, pursuant to the Arbitrator's award, dated 13.01.2004 passed against the petitioner, which has been set aside by the learned Principal District Judge, Dindigul, by his order, dated 09.03.2020 in C.M.A.(CF)No.41 of 2017. It is his case that till date, the said representation has not been considered by the respondents in the light of the order dated 09.03.2020, passed by the learned Principal District Judge, Dindigul, in C.M.A.(CF)No.41 of 2017.

6.Mr.K.Sathiyasingh, learned Additional Government Pleader, on instructions, would submit that the respondents are prepared to consider the petitioner's representation, dated 22.09.2020, in the light of the order dated 09.03.2020, passed by the learned Principal District Judge, Dindigul, in C.M.A.(CF)No.41 of 2017.

7.Admittedly, the Arbitrator's award, dated 13.01.2004 passed in ARC/1171/2003 against the petitioner has been set aside by the appellate forum under Section 152(1) of the Tamil Nadu Cooperative Societies Act and C.M.A.(CF)No.41 of 2017 has been allowed. After giving due consideration to all the aforementioned factors, the relief sought for by the petitioner in this Writ Petition will have to be necessarily granted.



8. For the foregoing reasons, this Court directs the 3rd respondent to consider the petitioner's representation, dated 22.09.2020 seeking for the release of the attachment order in ARC/1171/2003, dated 06.11.2003 on the file of the Arbitrator/Deputy Registrar of Co-operative Societies, Dindigul and to remove the entries in the 2nd respondent office in respect of Doc.No.6/2003, dated 06.11.2003, and pass final orders in the light of order dated 09.03.2020, in C.M.A.(CF)No.41 of 2017 passed by the learned Principal District Judge, Dindigul, within a period of two weeks from the date of receipt of a copy of this order.

9. With the aforesaid directions, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

cmr

To

1. The District Registrar,
Registration Department,
Office of the District Registrar,
Dindigul District, Dindigul.
2. The Sub Registrar,
Registration Department,
Office of the Sub Registrar,
Nilakottai, Dindigul District.
3. The Secretary,
A2486 Nilakottai Primary Agricultural
Cooperative Credit Society Limited,
Nilakottai, Dindigul.

+1 CC to the SPL GP SR-23310.

+1 CC to Mr.A.P.MUTHU PANDIAN, Advocate SR-23277.

Order made in
W.P. (MD) No.14892 of 2020
27.11.2020

PK(CO)

CS(10.12.2020) 3P 6C