

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.04.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P. No. 8899 of 2021

K.Gnanasekar

...Petitioner

Vs.

1. The Deputy Registrar
of Co-operative Societies
Krishnagiri.

2. The Secretary
Chaparthi Primary Agricultural
Thrift Society
Chaparthi Village
Krishnagiri Taluk & District.

... Respondents

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the First Respondent to consider and pass order in the Claim Petition dated 04.08.2020 sent by the Petitioner under Rule 135 of Tamilnadu Co-operative Societies Rules, 1988 in accordance with law and within a stipulated period.

For Petitioner : Mr. K.Govi Ganesan

For Respondents : Mr. Bala Ramesh, SGP

O R D E R

Mr.Bala Ganesh, learned Special Government Pleader takes notice for the respondents. By consent of both the Parties, this Writ Petition is taken up for final disposal, at the admission stage itself.

2. This Writ Petition has been filed for a direction to the First Respondent to consider and pass order in the Claim Petition dated 04.08.2020 sent by

the Petitioner under Rule 135 of Tamil Nadu Co-operative Societies Rules, 1988, in accordance with law, within a stipulated time.

3. According to the Petitioner, he is an absolute owner and in possession of the agricultural lands in S.F.No.42/7 measuring 1.12.20 hectares, S.F.No.18/1 measuring 0.71.0 hectares, S.F.No.19/1A measuring 1.17.50 hectares along with other lands situated at Chaparthy Village, Krishnagiri Taluk and District, by virtue of Settlement Deed dated 09.04.2009 registered as Document No.1129/2009. After settlement, he availed loan from the State Bank of India, Kaveripattinam by executing a Memorandum of Deposit of title deeds dated 26.04.2012, which was registered as Document No.1213/2012 on the file of the SRO, Kaveripattinam. While so, he applied for Encumbrance Certificate in respect of the subject lands, during which it was found that the first respondent attached the same as if belonging to the father of the petitioner and the Encumbrance Certificate reflected a conditional attachment made on 23.05.2020. Feeling aggrieved, the Petitioner preferred a Claim Petition under Section 135 of the Tamil Nadu Co-operative Societies Rules, to the first respondent raising objection with respect to attachment made on his lands and requesting to investigate the same. However, the said claim petition was not disposed of, till date. Therefore, this writ petition.

4. Heard both sides and perused the documents filed in the form of typed set of papers.

5. Considering the limited relief sought herein, this Court directs the first respondent to consider the Petitioner's Claim Petition dated 04.08.2020 and pass appropriate orders, on merits and in accordance with law, after affording due opportunity of hearing to the petitioner as well as any other interested parties, within a period of eight (8) weeks from the date of receipt of a copy of this order.

6. With the above direction, the Writ Petition is disposed of. No costs.

s/d-
Assistant Registrar (CS-III)

True Copy

Sub-Assistant Registrar

Maya

To

1. The Deputy Registrar
of Co-operative Societies
Krishnagiri.
2. The Secretary
Chaparthi Primary Agricultural
Thrift Society
Chaparthi Village
Krishnagiri Taluk & District.

- + 1 cc to Mr.K. Govi Ganesan, Advocate Sr.22333
- + 1 cc to Mr. Bala Ramesh, Advocate SR.22147
- + 1 cc to Government Pleader Sr.22806

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AJB (CO)
EU 6.5.2021

सत्यमेव जयते

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