



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 14.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.14535 of 2021 and
WMP No.15428 of 2021

C.Geetha

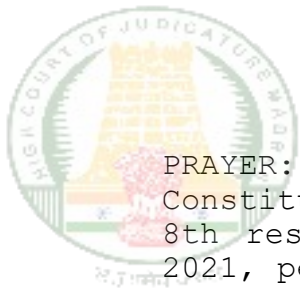
... Petitioner

Vs.

- 1.The Deputy Registrar of Coop Societies,
Coimbatore, R.S.Puram, Coimbatore 641002.
- 2.K.1471 Velandipalayan Urbn Coop Credit Society,
Rep. by its Administrator, Sasthri Street,
Kovilmedu, Velandipalayam PO, Coimbatore 641 025.
- 3.G.Saravanakumar, Former Secretary,
9, GVG Street, Rathinapuri, Coimbatore 641 027.
- 4.R.Varadharaja, Foremer President,
15/47, Anbu Nagar 5th street, Idayarpalayam,
Coimbatore-25.
- 5.S.Regupathi, Senior Clerk,
27, Murugan Nagar, Vivekanandar Street,
Kalveerampalayam, Coimbatore-46.
- 6.P.Anusuya, Clerk/Cashier,
10, Kannapiran Nagar, Sasthri Road,
Kovilmedu, Coimbatore-25.
- 7.P.Radhamani, Clerk/Jewel Appraiser,
5/391, Skkiri Konar Thottam,
Kanuvai to Pannimadai via,
Kanuvai, Coimbatore 642 108.

(As per the memo dated 14.07.2021 filed by the petitioner,
the respondent No.8 namely The Principal Sessions Judge/
Co-operative Tribunal, Coimbatore District is deleted.)

... Respondents



PRAYER: Writ petition filed under Section 226 of the Constitution of India to issue a writ of Mandamus, directing the 8th respondent to dispose off I.A.No.1 of 2021 in CMA No.9 of 2021, pending on its file on merits, expeditiously.

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For petitioner : Mr.L.P.Shanmugasundaram

For respondents : Mr.A.Selvendran, Govt. Advocate
for R1

ORDER

This writ petition has been filed to direct the Principal Session Judge, Cooperative Tribunal, Coimbatore to dispose off I.A.No.1 of 2021 in CMA No.9 of 2021, on merits, expeditiously.

2. On considering the prayer sought for by the petitioner as stated above, an issue is raised with regard to the maintainability of the writ petition itself. Therefore, it is left open to decide the above said issue in an appropriate case.

3. At this juncture, the learned counsel appearing for the petitioner undertakes to file a memo to delete the eighth respondent from the cause list. He has also made an endorsement to that effect. Accordingly, on such memo being filed by the petitioner, the Registry is directed to amend the cause title.

4. The learned counsel appearing for the first respondent drawn the attention of this court to the paragraph No.12 of the affidavit filed along with the writ petition, wherein, the petitioner has stated that notice has not been served to the private respondents. He would further state that, in such circumstances, if any direction is given by this court, it will create a confusion to the Principal Session Judge/ Cooperative Tribunal, Coimbatore District in disposing the above said application.

5. According to the petitioner, since the respondents have taken steps to bring the property of the petitioner for sale, there is an urgency and hence he filed this writ petition seeking for earliest disposal of the application filed before the Tribunal.

6. Considering the fact that notice was not served to the private respondents in the application in I.A.No.1 of 2021 in CMA No.9 of 2021, no direction can be issued to the Tribunal to dispose the application, within a time frame. However,



taking note of the fact that there is an urgency and the steps have been taken to bring the property of the petitioner for sale, and the petitioner has filed the above application for interim stay of the surcharge order, this court directs the Tribunal to dispose the I.A.No.1 of 2021 in CMA No.9 of 2021 at an earliest. It is needless to say that notice has to be served to the respondents in the above application.

7. With the above observations, this writ petition is disposed of. No costs. Connected writ miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

mst

To

- 1.The Principal Session Judge/ Cooperative Tribunal,
Coimbatore District.
- 2.The Deputy Registrar of Coop Societies,
Coimbatore, R.S.Puram, Coimbatore 641002.
- 3.The Administrator,
K.1471 Velandipalayan Urbn Coop Credit Society,
Sasthri Street, Kovilmedu, Velandipalayam PO,
Coimbatore 641 025.

+1cc to Government Pleader Sr No.33503

W.P.No.14535 of 2021

PCH (CO)
PR (02/09/2021)