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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.07.2021

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THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P.No. 15830 of 2021

and

W.M.P.No.16727 & 16728 of 2021

D.Uma Mageswari

..Petitioner

Vs

1. The Joint Registrar of Cooperative Societies,
Vellore District,
Collectorate Campus, Sathuvachari,
Vellore -632009.
2. The Joint Registrar/ Managing Director,,
District Central Cooperative Bank Ltd.,
Vellore District,
Anna Salai, Vellore - 632001.
3. The Deputy Registrar of Cooperative Societies,
O/o. Deputy Registrar of Cooperative Societies,
Vellore Circle,
No.6, Tulasingam Street,
Sankarampalayam,
Vellore - 632001.

..Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India for writ of Certiorari, calling for the records relating to the impugned order issued by the 3rd respondent in CAM No.240/2019-20 Sa.Pa. ARC.123/2019-20 dated 18.06.2020 and to quash the same.

For Petitioner : Mr.G.Sankaran

For Respondents : Mr.M.R.Gokul Krishnan, GA

O R D E R

Prayer sought for in the writ petition is to calling for the records relating to the impugned order issued by the 3rd



respondent in CAM No.240/2019-20 Sa.Pa. ARC.123/2019-20 dated 18.06.2020 and to quash the same.

2. The case of the petitioner is that while she was working as Manager in Thottapalayam Branch, Gudiyatham, she was subjected to Section 81 enquiry alleging misappropriation of funds. The petitioner had appeared for the said enquiry and made it clear that there was no discrepancy in the matter of disbursement of Self Help Group loans. Without considering the same, as a measure of harassment, another enquiry under Section 81 of the Act was conducted. During pendency of the said enquiry, the 3rd respondent had issued the impugned conditional attachment order dated 18.06.2020 under Section 167 of Tamil Nadu Cooperative Societies Act, 1983 to attach the petitioner's properties. According to the petitioner, the said impugned attachment order was issued without following the Rules and liable to be quashed.

3. The learned counsel appearing for the petitioner submitted that the 3rd respondent has issued conditional attachment order under Section 167 of Tamil Nadu Cooperative Societies Act, 1983, to attach the properties belongs to the petitioner's mother-in-law and the petitioner's mother purchased by them much earlier in the year 1995 and 2002, whereas the petitioner was appointed in the year 2008. Therefore, it is contended by the learned counsel appearing for the petitioner that the impugned order of attachment issued by the 3rd respondent is ex-facie illegal and in violation of the provisions of the Section 167 of the Act and the same is liable to be quashed.

4. Per contra, the learned Government Advocate appearing for the respondents objected that if the petitioner is aggrieved by the order of the 3rd respondent, she can seek remedy before the authority concerned under Section 135 of the Tamil Nadu Cooperative Societies Act, 1983. Without availing the said remedy, the petitioner has approached this Court, hence the writ petition is liable to be dismissed.

5. Heard the submissions made by the learned counsels appearing for the parties concerned and perused the records.

6. According to the learned Government Advocate, if no sale proceedings are concluded, there is no bar for the petitioner to approach the authority concerned, if it is permissible under the law.

7. Considering the facts and circumstances of the case and in view of the submissions made by the learned Government Advocate appearing for the respondents, this Court also feels



that the petitioner approached this Court, without exhausting alternative remedy available under the Act before the authority concerned. Hence, it would be appropriate to direct the petitioner to seek her remedy before the authority concerned.

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8. Accordingly, the petitioner is granted liberty to seek her remedy before the authority concerned under Rule 135 of Tamil Nadu Co-operative Society Rules, 1988.

9. With the above directions, the writ petition is disposed of. No Cost. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar (CS-VII)

// True Copy//

Sub Assistant Registrar

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To

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Vellore - 632001.

+1cc to Mr.G.Sankaran, Advocate, S.R.No.37212
+1cc to the Government Pleader, S.R.No.37399

W.P.No. 15830 of 2021
and
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PCH (CO)
SU (24/08/2021)