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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.10.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.22653 of 2021 & W.M.P.No.23894 of 2021

Latha

... Petitioner

-Vs-

1. The Joint Registrar
Co-operative Societies
Vellore Region, Vellore District.
2. The Deputy Registrar
Co-operative Societies
Vellore Region, Vellore District.
3. The President
VL.SPL.129, Sinampattadai
Primary Agricultural Co.op Credit Society
K.R.Thangal Post, Katpadi Taluk
Vellore District.

... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the record related order dated 26/06/2021 in Na.ka.No.2060 /2020 in Thandatheervai No.4/2020-2021 Suba (2) passed by 2nd respondent and quash the same and consequently direct the 2nd respondent to Raise the attachment made Survey Nos. 216 /4, 217 /3, 217 /4, 222/10, 222 /12, 222/9, 236 /3 C2 and 240 / 2 B dated 02/07/2021 in the encumbrance certificate dated 23/07/2021.

For Petitioner : Mr.P.Tamilavel

For Respondents : Mr.A.Selvendran,
Government Advocate-for RR 1 & 2

Mr.M.R.Gokulakrishnan,
Government Advocate-for R3



O R D E R

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This writ petition has been filed challenging the proceedings of the second respondent dated 26.06.2021 initiated under Section 87 of the Tamil Nadu Cooperative Societies Act, 1983 (hereinafter referred to as 'the Act').

2. Heard Mr.P.Tamilavel, learned counsel for A.Selvendran, learned Government Advocate learned Government Advocate for respondents 1 and 2

3. This Court has carefully considered the submissions made on either side and the materials available on record.

4. Considering the nature of the charges that have been levelled against the husband of the petitioner and also considering the fact that the matter involves consideration of disputed facts and also taking into consideration the stand taken by the petitioner before the authority, this Court deems it fit that the petitioner should work out her remedy only before the concerned Tribunal by way of filing an appeal under Section 152 of the Act. In view of the availability of an efficacious alternative remedy, this Court is not inclined to entertain this writ petition.

5. In view of the above, liberty is granted to the petitioner to approach the competent Court / Tribunal and file an appeal within a period of three weeks from the date of receipt of a copy of this order. Till then, the order passed by the second respondent shall be kept in abeyance. It is left open to the petitioner to raise all the grounds before the Tribunal and the Tribunal shall deal with the case on its own merits and in accordance with law. It is made clear that the Tribunal will entertain the appeal only if the appeal is filed within the time stipulated by this Court. Insofar as the continuation of the interim order is concerned, it is left open to the Tribunal to take a decision in accordance with Section 152(6) of the Act.

6. This writ petition is disposed of accordingly. No costs. Registry is directed to return back the original order passed by the second respondent to the learned counsel for the



petitioner in order to enable the petitioner to file an appeal before the Tribunal.

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Sd/-
Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

KST

To

1. The Joint Registrar
Co-operative Societies
Vellore Region, Vellore District.
2. The Deputy Registrar
Co-operative Societies
Vellore Region, Vellore District.
3. The President
VL.SPL.129, Sinampattadai
Primary Agricultural Co.op Credit Society
K.R.Thangal Post, Katpadi Taluk, Vellore District.

Copy to

The Section Officer,
E.R.Section,
High Court, Madras.

+1cc to the Government Pleader, S.R.No.55106

W.P.No.22653 of 2021

SPD(CO)
SU(10/11/2021)