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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.04.2022

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P.No.15847 of 2019
and W.M.P.Nos.15665 & 15667 of 2019

N.Anandhi

..Petitioner

Vs.

1.The Deputy Registrar of Cooperative Societies,
Dharapuram Circle, Dharapuram,
Tiruppur District.

2.The President,
K.797, Kongalnagaram Primary Agricultural
Cooperative Credit Society,
Kongalnagaram, Gudimangalam Via,
Udumalpet Taluk, Tiruppur District.

3.The Cooperative Sub Registrar/
Field Officer/Sale Officer,
Madathukulam,
O/o.Deputy Registrar of Cooperative Societies,
Dharapuram Circle, Thalavaipattinam Road,
Upstairs Syndicate Bank, Dharapuram,
Tiruppur District.

4.P.Jayachandra Sekar

...Respondents

(R4 impleaded vide Court order dated 08.07.2019
made in W.M.P.No.16091/2019 in W.P.No.15847/2019)

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorari, calling for the entire records relating to the impugned auction notice issued by the 3rd respondent in her proceedings E.P.No.69/2017-2018, dated 30.04.2019 and consequential paper publication published in Dinathanthi Paper dated 28.05.2019 and quash the same.



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For Petitioner : Mr.C.Prakasam

For RR1 & 3 : Mr.U.Baranidharan,
Additional Government Pleader

For R2 : Mr.M.S.Palaniswamy

O R D E R

This Writ Petition is filed by the petitioner, challenging the impugned auction notice of the 3rd respondent and consequential paper publication published in Dinathanthi Paper dated 28.05.2019.

2.Heard the learned counsel appearing for the petitioner, learned Additional Government Pleader appearing for the respondents 1 and 3 as well as the learned counsel appearing for the 2nd respondent and perused the materials available on record.

3.According to the petitioner, she is the wife of 4th respondent, who is a Senior Clerk in the 2nd respondent Society. According to the 2nd respondent, while the 4th respondent was working as a Senior Clerk, he committed various irregularities in collusion with other employees and caused loss to the Society. The 4th respondent purchased a vacant land measuring an extent of 2998 Sq.Ft. at T.S.No.54, Udumalpet, Tiruppur District and settled the said property in favour of the petitioner in the year 2011. According to the 2nd respondent, the petitioner constructed two storey building from and out of the amounts misappropriated by her husband, the 4th respondent herein. An enquiry under Section 81 of the Tamil Nadu Co-operative Societies Act was initiated against the 4th respondent and other employees. The 4th respondent challenged the surcharge order in C.M.A(CS).No.9548 of 2017 before the Principal District Judge (Cooperative Tribunal), Tiruppur and the same is pending. The petitioner challenged attachment of the property standing in her name by filing W.P.No.18782 of 2016 before this Court and at her instance to withdraw the Writ Petition, this Court, by order dated 07.06.2016, dismissed the said Writ Petition as withdrawn. The 2nd respondent filed an Execution Petition in E.P.No.69 of 2017 for recovery of misappropriated funds. By proceedings dated 04.10.2018, the 1st respondent ordered for attachment of the property. The petitioner filed W.P.No.26623 of 2017 before this Court, challenging the demand notice issued by the 1st respondent, directing her to pay the amount due from the 4th



respondent/her husband. This Court, by the order dated 04.12.2018, dismissed the said Writ Petition, giving liberty to the petitioner that if she has any grievances with regard to attachment of the property, it is always open to the petitioner to approach competent authority to challenge attachment proceedings. Thereafter on 18.02.2019, the petitioner filed objections for attachment under Rule 135 (1) of the Tamil Nadu Cooperative Societies Rules, before the 1st respondent. The said objections were considered by the 1st respondent and by an order dated 23.02.2019, the 3rd respondent rejected the objections filed by the petitioner. The petitioner has not challenged the said order. According to the petitioner, she has filed C.M.A.CFR.No.2602 of 2019, challenging the order of attachment and it is yet to be numbered.

4.From the above materials, it is seen that the Writ Petition filed by the petitioner challenging the order of attachment was withdrawn and Writ Petition challenging the proceedings in E.P.No.69 of 2017 was dismissed. The petitioner has given objections and also filed the same before the Cooperative Tribunal. The objections filed by the petitioner were rejected by the proceedings dated 23.02.2019. The petitioner's husband/4th respondent herein has also filed the appeal before the Cooperative Tribunal in C.M.A(CS).No.9548 of 2017 before the Principal District Judge (Cooperative Tribunal), Tirupur, challenging the order passed in surcharge proceedings. In view of the above facts and pendency of the appeal filed by the 4th respondent/husband of the petitioner and order of the 3rd respondent dated 23.02.2019, rejecting the objections of the petitioner, which is not challenged by the petitioner, the Writ Petition is liable to be dismissed as devoid of merits.

Accordingly, the Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

gsa



To

1.The Deputy Registrar of Cooperative Societies,
Dharapuram Circle, Dharapuram,
Tiruppur District.

2.The President,
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Upstairs Syndicate Bank, Dharapuram,
Tiruppur District.

+1 CC to Mr.M.S.Palaniswamy, Advocate sr 24495
+1 CC to The Government Pleader sr 24918.

W.P.No.15847 of 2019

PM(CO)
SP(20/04/2022)