



WEB COPY



W.P.Nos.29695 & 29696 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 10.11.2022

CORAM

THE HONOURABLE **DR. JUSTICE ANITA SUMANTH**

W.P.Nos.29695 & 29696 of 2022

G.Ganesan ... Petitioner in WP.29695 of 2022

G.Kavitha ... Petitioner in WP.29696 of 2022

Vs

1.The Deputy Registrar of Co-op. Societies,
Dharmapuri, Dharmapuri District.

... 1st Respondent in WP.No.29695 of 2022 &
... 2nd Respondent in WP.No.29696 of 2022

2.The Joint Registrar of Co-op. Societies,
Dharmapuri, Dharmapuri District.

... 1st Respondent in WP.No.29696 of 2022

3.The Co-op. Sub Registrar/Sale Officer,
O/o. Deputy Registrar of Co-op. Societies,
Dharmapuri, Dharmapuri District.

... 2nd Respondent in WP.No.29695 of 2022

4.The Management of 123, Adikarapatti
Primary Agricultural Co-op. Credit Society,
Rep. by its President, Adikarapatti,
Pappireddipatti Taluk, Dharmapuri District.

... 3rd Respondent in both WPs

COMMON PRAYER: Writ Petitions filed under Article 226 of the
Constitution of India praying to issue a Writ of Mandamus directing the 1st and



W.P.Nos.29695 & 29696 of 2022

16.08.2022 respectively made by the petitioners herein and pass appropriate orders within stipulated time period as may be fixed by this Court.

(In both WPs)

For Petitioner : Mr.T.Sundaravadanam

For Respondents : Mr.R.U.Dinesh Rajkumar (for R1 & R2)
Additional Government Pleader

Mr.TNC.Kaushik (for R3)

Additional Government Pleader

COMMON ORDER

Mr.R.U.Dinesh Rajkumar, learned Additional Government Pleader accepts notice for R1 and R2 and Mr.TNC.Kaushik, learned Additional Government Pleader accepts notice for R3 and both are armed with instructions to enable this Court to dispose the matter finally, even at the stage of admission.

2. The petitioner in W.P.No.29695 of 2022 is the secretary of the R3 Society, which is 123, Adikarapatti Primary Agricultural Co-op. Credit Society, Pappireddipatti Taluk, Dharmapuri District and the petitioner in W.P.No.29696 of 2022 is the wife of one V.Sekar, deceased, who was an employee of the said Society.

3. Admittedly, surcharge proceedings were initiated and have culminated in an order under Section 87(1) of the Tamil Nadu Cooperative Societies Act, 1983 (in short 'Act'). The petitioner in W.P.No.29695 of 2022 is sated to have challenged the surcharge proceedings in a statutory appeal in terms of Section



W.P.Nos.29695 & 29696 of 2022

District Judge, Dharmapuri. However, as against the surcharge proceedings

passed in the case of the husband of the petitioner in W.P.No.29696 of 2022,

no appeal has been filed and hence the same become final.

4. While this is so, the respondents have initiated action for recovery and Form 9 has been issued as early as in March, 2022 proposing auction of the property to protect the interests of the respondents.

5. Both the petitioners have challenged the auction in W.P.Nos.10197 and 11169 of 2022 and by orders dated 28.04.2022, notice was issued to the respondents and interim stay granted upon condition that the petitioners remit a sum of Rs.10.00 lakhs each.

6. Learned counsel for the petitioners confirms compliance of the aforesaid orders. In the present Writ Petitions, the petitioners seek a mandamus directing the respondents to dispose their representations dated 28.07.2022 and 16.08.2022 respectively seeking waiver of penal interest.

7. In light of there being a stay of the auction proceedings and seeing as the request of the petitioners for waiver of penal interest is, admittedly, pending before R1 from 28.07.2022 and 16.08.2022 respectively, it would be

Dr.ANITA SUMANTH,J.



W.P.Nos.29695 & 29696 of 2022

appropriate, and moreover, no prejudice caused to the respondents, by directing

R1 to hear the petitioners and pass orders upon their representations.

8. Mandamus is thus issued to R1 to hear the petitioners and dispose their representations dated 28.07.2022 and 16.08.2022 within a period of six (6) weeks from today.

9. These Writ Petitions are disposed as above. No costs.

10.11.2022

SI

Index : Yes / No

Speaking Order/Non-speaking order

To

- 1.The Deputy Registrar of Co-op. Societies,
Dharmapuri, Dharmapuri District.
- 2.The Joint Registrar of Co-op. Societies,
Dharmapuri, Dharmapuri District.
- 3.The Co-op. Sub Registrar/Sale Officer,
O/o. Deputy Registrar of Co-op. Societies,
Dharmapuri, Dharmapuri District.
- 4.The Management of 123, Adikarapatti
Primary Agricultural Co-op. Credit Society,
Rep. by its President, Adikarapatti,
Pappireddipatti Taluk, Dharmapuri District.

W.P.Nos.29695 & 29696 of 2022