



W.P.No.30157 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 21.11.2022

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P.No.30157 of 2022

and

WMP No.29590 of 2022

- 1.Jayalakshmi
- 2.Bhagyalakshmi
- 3.R.Kulasekaran
- 4.Balasubramani (alias) Sakthikumar
- 5.Rajalakshmi

... Petitioners

Vs

The Deputy Registrar of Cooperative Societies,
Thiruvannamalai Circle,
Thiruvannamalai.

... Respondent

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondent to pass appropriate suitable orders to raise the attachment passed on 23.11.2016 in pursuance to the statutory objection petition filed by the Petitioner on 08.09.2022 under Rule 135 of the Tamil Nadu Cooperative Rules by considering the petitioner written submission on 21.09.2022.

For Petitioners : Mr.L.P.Shanmugasundaram
For Respondent : Mr.R.U.Dinesh Rajkumar
Additional Government Pleader



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ORDER

Mr.R.U.Dinesh Rajkumar, learned Additional Government Pleader accepts notice for the respondent and is armed with instructions to enable final disposal of this matter, even at the stage of admission.

2. The petitioners are the mother and siblings of one E.Prema, who had obtained a compassionate appointment in the Tiruvannamalai District Central Cooperative Bank (in short 'Bank') upon the demise of her husband Elumalai, who was working as a staff in that Society.

3. While working as a Branch Manager in Vettavalam Branch in the aforesaid Bank, she faced surcharge proceedings for misappropriation of funds during 19.09.2015 to 09.08.2016. Learned counsel for the petitioner orally states that a surcharge order was passed as against the said Prema, but there is no disclosure to this effect in the writ affidavit.

4. He also states that a property belonging to the petitioners, for which no details, schedule or address is set out in the affidavit, was attached as early as in 2016.

5. The present Writ Petition is filed for a mandamus directing the respondent to pass orders on a statutory objection filed by the petitioner on



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08.09.2022 under Rule 135 of the Tamil Nadu Cooperative Societies Rules,

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6. I find this Writ Petition is misconceived apart from the petitioners having come to Court without proper/complete disclosure of facts. There is, in my view, absolutely no trigger for a mandamus as admittedly, there is no proceeding initiated by the respondent in regard to any property proximate to this Writ Petition.

7. If at all such action is initiated, as it is the petitioners' submission that the surcharge appeal of E.Prema is pending before the Tribunal, it is appropriate for them to implead themselves in those proceedings and obtain orders in this regard from the Tribunal. This is yet another reason why this Court is not inclined to consider the prayer for mandamus.

8. This Writ Petition is dismissed in the above terms. No costs. Connected Miscellaneous petition is also dismissed.

21.11.2022

Index : Yes / No
Speaking Order
SI

To

The Deputy Registrar of Cooperative Societies,
Thiruvannamalai Circle,
Thiruvannamalai.



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DR.ANITA SUMANTH,J.

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