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WP.No.23190 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.11.2022

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

WP.No.23190 of 2017

S.Kalaimani

.. Petitioner

Versus

1.The Deputy Registrar of Co-Operative Societies
Tiruchengode Circle
Tiruchengode, Namakkal District

2.The General Manager
No.8994, Tiruchengode Cooperative Urban Bank
Tiruchengode, Namakkal District

3.The Sub Registrar
Tiruchengode, Namakkal District

4.The Sub Registrar
Chinna Dharapuram, Karur District

5.The Sub Registrar
Kattuputhur, Trichy District

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 3 to 5 to remove the encumbrance in so far relates to the attachment of the 1st respondents in the documents pertaining to the Document Nos.8404/2011 dated 24.10.2011, 1553/2011 dated 23.2.2011 and 47/2013 dated 2.1.2013 stands in the petitioners name and Document No.446/2014 dated 27.1.2014 stands in the petitioners son name (S.Annamalai died) and Document No.1288/2011 dated 12.7.2011 stands in the petitioners name and Document Nos.802/2012 dated 29.3.2012, 803/2012 dated 29.3.2012 and 804/2012 dated



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29.3.2012 stands in the petitioners name by taking note of the order passed in W.P.No.18853 of 2016 dated 17.4.2017.

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For Petitioner : Mr.C.Prakasam

For Respondents : Mr.E.Vijay Anand for R3-R5
Additional Government Pleader
Mr.L.P.Shanmugasundaram for R2

ORDER

This writ petition is filed seeking to direct the respondents 3 to 5 to remove the encumbrance in so far relates to the attachment of the 1st respondents in the documents pertaining to the Document Nos.8404/2011 dated 24.10.2011, 1553/2011 dated 23.2.2011 and 47/2013 dated 2.1.2013 stands in the petitioners name and Document No.446/2014 dated 27.1.2014 stands in the petitioners son name (S.Annamalai died) and Document No.1288/2011 dated 12.7.2011 stands in the petitioners name and Document Nos.802/2012 dated 29.3.2012, 803/2012 dated 29.3.2012 and 804/2012 dated 29.3.2012 stands in the petitioners name by taking note of the order passed in W.P.No.18853 of 2016 dated 17.4.2017.

2.The case of the petitioner is that earlier petitioner's properties were attached by the first respondent under Section 167 of Tamil Nadu Co-operative Societies Act vide proceedings in CEP.No.07/2015-2016 dated 30.11.2015.

Challenging the said attachment, the petitioner filed a writ petition in



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W.P.No.18853 of 2016 and this Court vide Order dated 17.04.2017 allowed the writ petition and set aside the attachment. When the petitioner approached the respondents 3 to 5 for removing the encumbrances insofar as relating to the attachment, the respondents 3 to 5 refused to remove on the ground that they are not the parties in the writ petition. Hence this writ petition.

3. The learned counsel for the petitioner submitted before this Court that it would suffice if the court directs the respondents 3 to 5 to remove the encumbrance insofar it relates to the attachment of the 1st respondents in the subject documents by taking note of the order passed in W.P.No.18853 of 2016 dated 17.4.2017.

4. The learned Additional Government Pleader submitted that he has no serious objection with regard to the prayer as sought by the petitioner.

5. Considering the facts and circumstances of this case, this Court, without going into the merits of this case, directs the respondents 3 to 5 to remove the encumbrance insofar it relates to the attachment of the 1st respondents in the subject documents in terms of the order of this Court passed in W.P.No.18853 of 2016 dated 17.4.2017 and pass appropriate orders, on



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merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order, if there is no legal impediments.

6. In view of the above directions, this writ petition stands disposed of.

No costs.

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dhk

Index:Yes/No

Internet: Yes/No

To

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