



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **20.05.2022**

CORAM:

THE HONOURABLE **MR.JUSTICE ABDUL QUDDHOSE**

W.P. (MD)No.10067 of 2022

and

W.M.P.Nos.7165 and 7168 of 2022

WEB COPY

K.Periyasamy

.. Petitioner

Vs

The Deputy Registrar of Co-operative Societies Cum  
Competent Authority under Section 167 of the Act,  
Uthamapalayam Division,  
Theni District.

.. Respondent

**PRAYER:** Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, calling for records relating to the impugned order made by the respondent in ARC No.1/2022-23 (CAEP No.1/2022-23 dated 12.04.2022 and quash the same as illegal.

For Petitioner

: Mr.M.Mahaboob Athiff

For Respondent

: Mr.A.Kannan

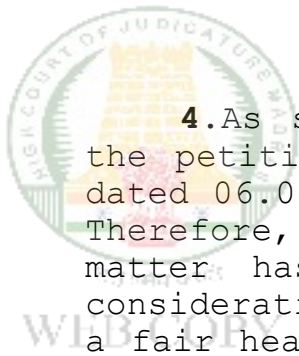
Additional Government Pleader

**ORDER**

This writ petition has been filed challenging the attachment order dated 12.04.2022 passed under Section 167 (2) of the Tamil Nadu Cooperative Societies Act, 1983 (hereinafter referred to as "the Act").

**2.**The petitioner has challenged the attachment order on the ground that the show cause notice dated 06.04.2022, which was issued prior to the passing of the impugned order was received by the petitioner only after the passing of the impugned order dated 12.04.2022.

**3.**The learned counsel appearing for the petitioner drew the attention of this Court to the tracking report obtained from the postal authorities to confirm that the show cause notice dated 06.04.2022 was received by the petitioner only on 12.04.2022. The impugned order has been passed on the very same date, ie., on 12.04.2022 attaching the property of the petitioner under Section 167 (2) of the Act.



4.As seen from the above, no opportunity has been granted to the petitioner to submit his explanation to the show cause notice dated 06.04.2022 issued prior to the passing of the impugned order. Therefore, the impugned order has to be necessarily quashed and the matter has to be remanded back to the respondent for fresh consideration on merits and in accordance with law, after affording a fair hearing to the petitioner and by following the procedure as contemplated under Section 167(2) of the Act.

5.In the result, the impugned order dated 12.04.2022 is hereby quashed and the matter is remanded back to the respondent for fresh consideration. The respondent is directed to pass final orders on merits and in accordance with law, after affording a fair hearing to the petitioner and by following the procedure as contemplated under Section 167(2) of the Act, within a period of twelve (12) weeks from the date of receipt of a copy of this order. It is made clear that while passing the final orders, the respondent will have to consider all the grounds raised by the petitioner in this writ petition.

6.With the above direction, this Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Vacation Officer/  
Assistant Registrar (CS-III)

// True Copy //

/ /2022  
Sub Assistant Registrar(CS)

sm

To

The Deputy Registrar of Co-operative Societies Cum  
Competent Authority under Section 167 of the Act,  
Uthamapalayam Division,  
Theni District.

+1 CC to M/s.SPL.GP ( SR-24063[F] dated 23/05/2022 )

**W.P. (MD)No.10067 of 2022**  
**20.05.2022**

**CK** (CO)  
GC (31.05.2022) 2P 3C