



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.12.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.5996 of 2019 and
W.M.P.(MD)No.4789 of 2019

Nagarajan

... Petitioner

Vs.

1. The Deputy Registrar,
Co-operative Societies,
Palani, Dindigul District.

2. The Secretary,
A-1609-Kodaikanal Primary
Agricultural Co-operative Credit Society,
Kamarajar Salai, Kodaikanal,
Kodaikanal Taluk,
Dindigul District.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining from the 1st respondent's notice and conditional attachment order in his proceedings in C.E.P.No.08/2018-19 dated 28.02.2019 and quash the same as illegal and arbitrary and consequently direct the respondents do not interfere with the petitioner's property situated at Kodaikanal Town Old Town, Survey No.56A and 57 and New T.S.No.3, Ward C Block No.13 and T.S.No.3/12 Burnihill Road, Kodaikanal Town, Dindigul District.



For Petitioner : Mr.G.Gomathi Sankar

For Respondents : Mr.A.Sivanu Pandian,
Government Advocate.

* * *

ORDER

Heard the learned counsel on either side.

2. The petitioner challenges the impugned order of attachment. The petitioner's counsel is right in his contention that the order of attachment could not have been straightaway passed in the very first instance itself. Only after giving an opportunity to the petitioner, the order could have been passed.

3. In this view of the matter, the order impugned in this writ petition is set aside and the matter is remanded to the file of the first respondent. The first respondent will pass order afresh in accordance with law under Section 167 of the Tamil Nadu Co-operative Societies Act. This writ petition



3

W.P.(MD)NO.5996 OF 2019

stands allowed. No costs. Consequently, connected
miscellaneous petition is closed.

14.12.2022

Index : Yes / No

Internet : Yes/ No

PMU

To:

1. The Deputy Registrar,
Co-operative Societies,
Palani, Dindigul District.
2. The Secretary,
A-1609-Kodaikanal Primary
Agricultural Co-operative Credit Society,
Kamarajar Salai, Kodaikanal,
Kodaikanal Taluk,
Dindigul District.



WEB COPY



4

W.P.(MD)NO.5996 OF 2019

G.R.SWAMINATHAN,J.

PMU

W.P.(MD)No.5996 of 2019

14.12.2022