



W.P(MD)No.17346 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.08.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.17346 of 2022

and

W.M.P.(MD)No.12655 of 2022

Ramkumar

... Petitioner

Vs.

1.The Deputy Registrar of Cooperative Societies,
Aranthangi,
Angalamman Koil Street,
Aranthangi Post and Taluk,
Pudukkottai District.

2.The Sale Officer / Co-Operative Sub
Registrar / Field Officer,
Aranthangi,
Angalamman Koil Street,
Aranthangi Post and Taluk,
Pudukkottai District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records pertaining to the order passed by the 2nd respondent in his proceedings Ni.Ma.No.5/2022-2023 dated 25.07.2022 and quash the same as arbitrary and illegal.



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For Petitioner : Mr.K.Baalasundharam

For Respondents : Mr.M.Senthil Ayyanar,
Govt. Advocate.

ORDER

Heard the learned counsel on either side.

2.The petitioner has suffered an order of surcharge. Questioning the same, the petitioner had filed C.M.A.C.S.No.3 of 2022 before the Cooperative Tribunal/Principal District Judge, Pudukkottai. In the meanwhile, the respondents have issued the impugned attachment notice. The petitioner had been called upon to pay the surcharge amount within ten days. It has been further stated that the petition mentioned property will be brought to sale in the event of failure on the part of the petitioner to pay the surcharge amount.

3.When the petitioner had availed the statutory remedy which is more in the form of first appeal, it is only proper that the properties are not brought to sale in the meanwhile. However, I decline to interfere with the order of attachment. The order of attachment will hold good. However till the disposal of C.M.A.C.S.No.3 of 2022, the petition mentioned properties will not be



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brought to sale. The learned Principal District Judge/Cooperative Tribunal, Pudukkottai is requested to dispose of the said appeal on merits and in accordance with law within a period of eight months from the date of receipt of a copy of this order.

4.The writ petition is disposed of on these terms. No costs. Consequently, connected miscellaneous petition is closed.

04.08.2022

Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

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