



W.P(MD)No.5762 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.07.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.5762 of 2017

and

W.M.P.(MD)Nos.4591 and 4592 of 2017

S.Sekar

... Petitioner

Vs.

The Deputy Registrar of Co-operative Societies,
Kulithalai,
Karur District.

... Respondent

*(Respondent is amended vide order dated
13.06.2022 in W.M.P.(MD)No.8182 of 2017 in
W.P.(MD)No.5762 of 2017 by GRSJ)*

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 relating to the impugned order passed by the respondent made in Ne.Ma.No.01/2006-2007 dated 02.02.2017 and consequential demand notice made in Ne.Ma.No.01/2006-2007 dated 16.03.2017 and quash the same.

For Petitioner : Mr.R.Murali

For Respondent : Mr.M.Senthil Ayyanar,
Government Advocate.



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ORDER

Heard the learned counsel on either side.

2.The petitioner questions the impugned demand primarily on the ground of limitation. The petitioner was an employee of a cooperative society. He was terminated from service way back in the year 1998. The surcharge proceedings were initiated and an order was also passed against him on 21.02.2000. According to the petitioner, recovery action taken after seventeen years is not valid. Though the said contention appears to be quite attractive, it is seen that execution petition was filed way back in the year 2006 itself. The execution process that commenced in the year 2006 has now reached its culmination. Therefore, I am satisfied that the impugned demand is not hit by limitation. It is of course open to the writ petitioner herein to approach the respondent and negotiate.

3.With this liberty to the petitioner, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

07.07.2022

Index : Yes / No
Internet : Yes/ No
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To:

WEB COPY

The Deputy Registrar of Co-operative Societies,
Kulithalai,
Karur District.



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G.R.SWAMINATHAN, J.

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