



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.01.2022

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P.(MD) No.23001 of 2021

Abbas Mandhiri

... Petitioner

vs.

1.The Registrar of Co-operative Societies,
Chennai-600 010.

2.The Joint Registrar,
Joint Registrar Office,
Theni, Theni District.

3.The Secretary,
MP.92, Varusha Primary Agricultural Co-operative
Credit Society,
Varushanadu, Aundipatti Taluk,
Theni District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the third respondent in his proceedings in Na.Ka.No.5104, dated 09.01.2019 and quash the same on the ground that the same is arbitrary, illegal and without any legal basis and consequently directing the third respondent to close the petitioner's jewel loan Account No.3820.

For Petitioner : Mr.Arul Jenifer
for Mr.K.Kannan

For Respondents : Mr.S.Kameswaran
Government Advocate

O R D E R

The writ petition has been filed in the nature of Writ of Certiorarified Mandamus, questioning an order of the third respondent/The Secretary, MP.92, Varusha Primary Agricultural Co-operative Credit Society, Varushanadu, Aundipatti Taluk, Theni District, dated 09.01.2019. By way of the said notice rather the impugned notice, the third respondent had stated that the jewels pledged by the petitioner herein had been sold in auction on 02.11.2018 for a sum of Rs.3,25,000/-. It had been stated that, on that date, a total sum of Rs.5,49,495/- was due. By way of the impugned notice, the balance was sought to be paid.



2.It is stated by Mr.S.Kameswaran, learned Government Advocate, who had taken notice for all the respondents that questioning the impugned order, an appeal lies before the Joint Registrar of Co-operative Societies at Theni District.

3.The writ petition, therefore, may not strictly lie and it is seen that the impugned notice is also dated 09.01.2019. It is for the petitioner to explain the delay in filing such appeal, if at all he prefers an appeal before the Joint Registrar of Co-operative Societies at Theni District.

4.Giving that particular liberty and putting the burden on the petitioner to explain the delay, the Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CRL.)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

sjj

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Registrar of Co-operative Societies,
Chennai-600 010.

2.The Joint Registrar,
Joint Registrar Office,
Theni, Theni District.

3.The Secretary,
MP.92, Varusha Primary Agricultural Co-operative
Credit Society,
Varushanadu, Aundipatti Taluk,
Theni District.

+1 CC to M/s.S.ABUDHAHEER, Advocate (SR-27[F] dated 03/01/2022)

+1 CC to M/s.SPL.GP (SR-192[F] dated 04/01/2022)

W.P. (MD) No.23001 of 2021

03.01.2022