



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.06.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.2299 of 2017

and

W.M.P(MD)Nos.1891 & 5875 of 2017

P.Malayappan

... Petitioner

Vs

The Deputy Registrar of Co-operative Societies,
11/223, Raja Nagar,
Lakshmipuram,
Palani - 624 601.
Dindigul District.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the respondent not to take coercive steps against the petitioner and his properties pending disposal of the Appeal in C.M.A(CS)SR.No.8755/27.10.2015 dated 09.03.2016 on the file of the Special Tribunal for Co-operative Cases (District Court), Dindigul.

For Petitioner : Mr.V.O.S.Kalaiselvam

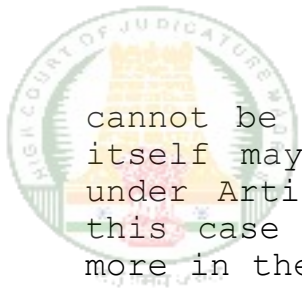
For Respondent : Mr.M.Senthil Ayyanar
Government Advocate

ORDER

None appears for the writ petitioner.

2. The petitioner suffered an order of surcharge. He questioned the same by filing C.M.A(CS)SR.No.8755/27.10.2015 dated 09.03.2016 before the Special Tribunal for Co-operative Cases (District Court), Dindigul. It appears that the said appeal was filed with delay. Since he apprehended that coercive steps may be taken, the petitioner filed the present writ petition.

3. The learned Government Advocate points out that when the writ petition was entertained, the petitioner was put on terms. Though he was asked to deposit a sum of Rs.2,00,000/- (Rupees Two Lakhs only), he did not comply with the said condition. Of course, on account of non-compliance of the interim order the writ petition



cannot be thrown out at the final hearing. But the writ petition itself may not be maintainable. The final relief to be granted under Article 226 cannot be in the nature of interim relief. In this case the main prayer sought for the writ petition itself is more in the nature of an interim relief.

4. The writ petition is dismissed accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-II)

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Sub Assistant Registrar(CS)

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To

1.The Special Tribunal for Co-operative Cases (District Court),
Dindigul.

2.The Deputy Registrar of Co-operative Societies,
11/223, Raja Nagar,
Lakshmipuram,
Palani - 624 601.
Dindigul District.

W.P. (MD)No.2299 of 2017

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