



W.P.No.20121 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.08.2023

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.20121 of 2013

Jeyanthi

... Petitioner

Vs.

- 1.The Deputy Registrar of  
Co-operative Societies, (Credit),  
Kuralagam, Chennai-108
- 2.The Madras Customs Employees  
Cooperative Society Rep. by its Manager,  
60, Rajaji Salai,  
Customs House, Chennai-1

... Respondents

**PRAYER:** Writ Petition is filed under Article 226 of Constitution of India praying to issue Writ of Certiorari calling for the records of the first respondent dated 19.03.2008 in Na.Ka.5410/2006/Sa.Pa.1 and quash the same.

For Petitioner : Mr.N.A.Nissar Hussain  
for Mr.I.Kowser Nissar

For Respondents  
For R1 : Mr.L.S.M.Hasan Fizal,  
Additional Government Pleader

For R2 : Mr.A.Selvendran



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### ORDER

This writ petition has been filed challenging the order passed by the first respondent dated 19.03.2008, thereby ordered to recover a sum of Rs.11.20,631/-.

2. Heard, the learned counsel appearing on either side.

3. On perusal of records, revealed that the impugned order was passed under Section 87(1) of Tamilnadu Cooperative Societies Act. Therefore, the writ petition is not at all maintainable and only an appeal would lie before the Tribunal. However, this Court entertained the writ petition and granted stay on condition that the petitioner shall deposit a sum of Rs.5.5 lakhs to the credit of the second respondent. Accordingly, the petitioner had deposited Rs.5.5 lakhs on 30.08.2013.

4. Now the learned counsel for the petitioner submitted that the petitioner is ready and willing to deposit the remaining amount also as per the order dated 19.03.2008.



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5. Considering the above submission made by the learned counsel for the petitioner, the petitioner is directed to deposit the remaining amount after deducting the amount which was already deposited by the petitioner to the credit of second respondent, within a period of four weeks from today, failing which the respondents are at liberty to proceed with the auction to recover the said amount in the manner known to law.

6. With the above directions, this writ petition is disposed of.  
There shall be no order as to costs.

11.08.2023

Internet: Yes  
Index: Yes/No  
Speaking/Non-speaking order  
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**G.K.ILANTHIRAIYAN, J.**

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To

- 1.The Deputy Registrar of  
Co-operative Societies, (Credit),  
Kuralagam, Chennai-108
- 2.Manager,  
The Madras Customs Employees  
Cooperative Society Rep. by its  
60, Rajaji Salai,  
Customs House, Chennai-1
3. The Public Prosecutor,  
High Court, Madras.

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