



WEB COPY



W.P.No.19807 of 2023

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 05.07.2023**

**CORAM**

**THE HONOURABLE MR. JUSTICE S.SOUNTHAR**

**W.P No.19807 of 2023**

**and**

**WMP.No.19129 of 2023**

A.M.Ramamoorthy

...Petitioner

Vs.

1.The Deputy Registrar of Cooperative Society  
Palladam Road  
Tirupur.

2.The Sale Officer  
Office of the Deputy Registrar of Cooperative Societies  
Tirupur.

...Respondents

**Prayer:** Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, to call for the records relating to the impugned Form 9 notice issued by the first respondent in E.P.No.1/2022-2023 dated 15.05.2023 and quash the same.

For Petitioner : Mr.L.P.Shanmugasundaram

For Respondents : Mr.R.U.Dinesh Rajkumar  
Additional Government Pleader



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## **ORDER**

The petitioner herein is challenging the impugned Form 9 notice issued by the first respondent in E.P.No.1/2022-2023 dated 15.03.2023.

2. From the averments found in the affidavit, it is seen that the surcharge proceedings were initiated against the petitioner under Section 87 of the Tamil Nadu Co-Operative Societies Act and surcharge order was passed against the petitioner by the first respondent on 29.01.2021. Challenging the said order, the petitioner filed an appeal before the District Court, Tirupur. Along with the said appeal, the petitioner also moved a stay application in IA.No.1 of 2021 and the same is pending.

3. The learned counsel for the petitioner submitted that the appeal was already heard by the Co-operative Tribunal namely, District Court, Tirupur and it is posted for pronouncing orders on 17.07.2023. The first respondent without waiting for the outcome of the appeal initiated the execution proceedings and issued Form 9 notice bringing the property of the petitioner's wife for sale.



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**4.** When the order passed against the petitioner was challenged by the petitioner before the Co-Operative Tribunal, it is for him to obtain appropriate interim order from the Tribunal. It is stated that the petitioner also moved a stay application in IA.No.1 of 2021 and the same is pending. However, the Tribunal has taken up the appeal itself for hearing and now the appeal is posted for pronouncing orders on 17.07.2023.

**5.** In view of the fact that the appeal filed by the petitioner is already heard by the Tribunal and posted for pronouncing orders on 17.07.2023, this Court is inclined to direct the respondents to stay the further proceedings in pursuance of the impugned notice dated 15.05.2023 for a period of three weeks from today (upto 26.07.2023). It is made clear that the petitioner shall move the Co-operative Tribunal (District Court, Tirupur) and obtain necessary protection order within the above said period, if so advised.

**6.** In case the petitioner is not able to get any interim protection from the Tribunal within the above said period, it is always open to the respondents to proceed further in accordance with law.



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**S.SOUNTHAR, J.**  
dna

7. With the above directions, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

**05.07.2023**

Index : Yes/No  
Internet : Yes/No  
Speaking Order/Non-Speaking Order  
Neutral Citation Case : Yes/No  
dna

**Note : Issue order copy on 06.07.2023**

**To**

- 1.The Deputy Registrar of Cooperative Society  
Palladam Road  
Tirupur.
- 2.The Sale Officer  
Office of the Deputy Registrar of Cooperative Societies  
Tirupur.

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