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W.P. No. 28371 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.10.2023

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 28371 of 2023

and

W.M.P. No. 27915 of 2023

K.Sivasubramani

... Petitioner

-VS-

1. The Joint Registrar
Dharmapuri Region
Co-operative Society
Athiyaman Park, Dharmapuri
Dharmapuri – 606 705.

2. The Deputy Registrar
Dharmapuri Region
Co-operative Society
Athiyaman Park, Dharmapuri
Dharmapuri – 606 705.

3. The Secretary
KK 82 Sekkodi Primary Co-operative Society
Padi Post, Palacode Taluk
Dharmapuri District - 606 809.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorarified Mandamus, calling for the records of the Third Respondent herein pertaining to his impugned notice dated 23.06.2023 and quash the same consequentially the Third Respondent to release the Petitioner jewels in Loan account No.6436-906500-3234 dated 18.12.2020 in and return back to the Petitioner based on the petitioner's representation dated 18.05.2023 in G.O. (Standing) No.97, dated 01.11.2021.



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For Petitioner : Mr. M.Selvam
For Respondents : Mr. U.Bharanidharan, AGP (RR1 & 2)
Mr. P.Balathandayutham (R3)

ORDER

Heard Mr. M.Selvam, Learned Counsel for the Petitioner, Mr. U.Bharanidharan, Learned Additional Government Pleader appearing for the First and Second Respondents and Mr. P.Balathandayutham, Learned Counsel for the Third Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. The grievance ventilated by the Petitioner is that he had made a representation dated 18.05.2023 for releasing the jewels in Loan account No.6436-906500-3234 availed on 18.12.2020, but as it did not evoke any response, he has filed this Writ Petition.

3. Having regard to the limited scope of the relief sought in the Writ Petition, this Court without expressing any view on the merits of controversy involved, passes the following order:-

- (i) the concerned authority shall immediately examine the representation dated 23.06.2023 made by the Petitioner including ascertaining as to whether the Petitioner would be entitled for the relief claimed;



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(ii) if it is found that any other details or supporting documents is necessary,

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the deficiencies in that regard shall be informed in writing to the

Petitioner requiring the same to be furnished within a time frame of not less than 15 days for the same;

(iii) in the event of not being satisfied with the requirements even thereafter, an enquiry shall be conducted affording full opportunity of personal hearing to the Petitioner and all other persons concerned to explain their position in that regard; and

(iv) a reasoned order shall be passed dealing with each of the contentions raised on merits and in accordance with law and the decision taken communicated under written acknowledgment.

(v) the report of such compliance shall be filed by 31.12.2023 before the Registrar (Judicial) of this Court.

In the result, the Writ Petition is disposed on the aforesaid terms.

Consequently, connected Miscellaneous Petition is closed. No costs.

05.10.2023

Maya

NCS : Yes/No

Index : Yes/No

Note: Issue order copy by 31.10.2023.



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P.D. AUDIKESAVALU, J.

Maya

To

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Dharmapuri – 606 705.
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