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W.P. No. 29907 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.10.2023

CORAM

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

**W.P. No. 29907 of 2023
and
W.M.P. No. 29527 of 2023**

A.Govindan

... Petitioner

-VS-

1. The Deputy Registrar of Co-operative Societies
Cheyya Circle
Tiruvannamalai District.

2. The Sale Officer
Office of the Deputy Registrar of Co-operative Societies
Tiruvannamalai District.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorari, to call for the records relating to the impugned auction Form 9 auction notice in E.P. No.11/2021-22/sa.pa issued by the First Respondent dated 30.08.2023 and quash the same.

For Petitioner : Mr. L.P.Shanmugasundaram

For Respondents : Mr. U.Baranidharan,
Additional Government Pleader



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ORDER

Heard Mr. L.P.Shanmugasundaram, Learned Counsel for the Petitioner and Mr. U.Baranidharan, Learned Additional Government Pleader, who takes notice for the Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. The Petitioner has preferred an appeal under Section 153 of the Tamil Nadu Co-operative Societies Act, 1983 (hereinafter referred to as 'the TNCS Act' for short) in C.M.A. (CS) SR No. 1945 of 2023 along with an application in I.A. No. 1 of 2022 to condone the delay in filing the same before the Principal District Judge / Special Tribunal for Co-operative Societies Cases, Tiruvannamalai District against the order dated 18.05.2018 passed in Na. Ka. 4035/2017 Sa. Pa. (Tha. Thee. No. 3/2017-18) by the First Respondent in surcharge proceedings under Section 87 of the TNCS Act. In view of the pendency of the application for condonation of delay in filing the said appeal, the Petitioner has not been able to obtain any interim orders and in the meanwhile, the Second Respondent has notified the auction sale of the property belonging to the Petitioner to recover the amount due in the surcharge



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Proceedings in E.P. No.11/2021-22/Sa. Pa. dated 30.08.2023 which is to take place on 18.10.2023, and is challenged in this Writ Petition.

3. It is informed that the said application to condone the delay in filing the appeal before the Principal District Judge / Special Tribunal for Co-operative Societies Cases, Tiruvannamalai District is posted for next hearing on 29.11.2023 and Learned Additional Government Pleader appearing for the Respondents, on instructions, states that the Respondents would file their Counter-Affidavit and make submissions before the Tribunal on the said date in that matter, and in such circumstances, the proposed auction would be adjourned to a date after 29.11.2023, and he has filed a memo dated 17.10.2023 to that effect, which is placed on record. In view of the same, nothing remains for further consideration in the Writ Petition, but it would not preclude the Petitioner, if he has any further grievance, to work out his remedies before the proper forum in the manner recognized by law. It is needless add here that no view has been expressed by this Court on the merits of the controversy involved in the matter.



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

Consequently, connected Miscellaneous Petition is closed. No costs.

17.10.2023

Maya

NCS : Yes/No

Index: Yes/No

Note: Issue order copy by 31.10.2023.

To

1. The Deputy Registrar of Co-operative Societies
Cheyya Circle
Tiruvannamalai District.
2. The Sale Officer
Office of the Deputy Registrar of Co-operative Societies
Tiruvannamalai District.

Copy to

The Principal District Judge,
Tiruvannamalai District



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P.D. AUDIKESAVALU, J.

Maya

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