



W.P. No. 34324 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.12.2023

CORAM

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

W.P. No. 34324 of 2023

and

W.M.P. Nos. 34221 and 34222 of 2023

N.Anandhi

... Petitioner

-VS-

1. The Deputy Registrar of Co-operative Societies,
Dharapuram Circle,
Marketing Society Campus,
Nethaji Road,
Dharapuram,
Tiruppur District.
2. The Administrator,
K. 797, Kongalnagaram Primary Agricultural Co-operative Credit Society,
Kongalnagaram,
Gudimangalam Via,
Udumalpet Taluk,
Tiruppur District.
3. The Co-operative Sub Registrar/Field Officer/
Sale Officer/Superintendent – II,
Dharapuram Circle,
Marketing Society Campus,
Nethaji Road,
Dharapuram,
Tiruppur District.

4. P.Jayachandrasekar

... Respondents



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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 relating to the impugned order dated 23.08.2023 passed by the Third Respondent and quash the same as illegal and consequently direct the Respondent Authority to drop all further proceedings with regard to the Petitioner's property within the time frame stipulated by this Court.

For Petitioner : Mr. M.Sudhan

For Respondents : Mr. U.Baranidharan,
Additional Government Pleader
(for R1 to R3)

ORDER

Heard Mr. M.Sudhan, Learned Counsel for the Petitioner and Mr. U.Baranidharan, Learned Additional Government Pleader, who takes notice for the First to Third Respondents, and perused the materials placed on record, apart from the pleadings of the parties.

2. Having regard to the nature of order proposed to be passed in the Writ Petition, which would not cause any prejudice to the Fourth Respondent, notice to him is dispensed with.



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3. The Petitioner has challenged the proceedings dated 23.08.2023 passed by the Third Respondent rejecting his objections made in respect of the attachment to the property claimed to have been owned by him in the application filed under Rule 135(1) of the Tamil Nadu Co-operative Societies Rules, 1988 (hereinafter referred to as 'the Rules' for short).

4. When it was pointed out that the Petitioner has got an effective alternative remedy to file suit before the jurisdictional Civil Court under Rule 135(3) of the Rules, Learned Counsel for the Petitioner seeks permission of the Court to withdraw the Writ Petition reserving the rights of the Petitioner to resort to the aforesaid procedure and he has made an endorsement to that effect in the court record.

5. In the result, the Writ Petition is dismissed as withdrawn with the aforesaid clarifications. It is made clear that for the purpose of reckoning limitation for availing the aforesaid remedy, the period from the date of filing of the Writ Petition, viz., 11.10.2023, till the date on which the certified copy of this order is made ready by the Registry, shall be excluded. Consequently, the connected Miscellaneous Petitions are closed. No costs.



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Index: Yes/No

NCC: Yes/No

Note: Issue order copy by 28.02.2024.

vjt

To

1. The Deputy Registrar of Co-operative Societies,
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Marketing Society Campus,
Nethaji Road,
Dharapuram,
Tiruppur District.
2. The Administrator,
K. 797, Kongalnagaram Primary Agricultural Co-operative Credit Society,
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3. The Co-operative Sub Registrar/Field Officer/
Sale Officer/Superintendent – II,
Dharapuram Circle,
Marketing Society Campus,
Nethaji Road,
Dharapuram,
Tiruppur District.

Copy to

P. Jayachandrasekar,
S/o. A.D.Pasupathi,



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No.8, Karikalan Steet,
Earipalayam,
Udumalpet Taluk,
Tiruppur District.



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P.D. AUDIKESAVALU, J.

vjt

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