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W.P. No. 30460 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.11.2023

CORAM

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

W.P. No. 30460 of 2023

and

W.M.P. Nos. 30075 and 30076 of 2023

B.Nithya

... Petitioner

-VS-

1. The Deputy Registrar of Co-operative Societies,
Salem Region,
Salem – 636001.
2. The Sale Officer,
Cooperative Sub Registrar/Filed Officer,
S. 9787, K.Kondappanaykanpatti Primary Agricultural
Co-operative Credit Society Ltd.,
Kondappanaykanpatti Post,
Kannankurichi Post,
Salem – 8.
3. The Administrator,
S. 9787, K.Kondappanaykanpatti Primary Agricultural
Co-operative Credit Society Ltd.,
Kondappanaykanpatti Post,
Kannankurichi Post,
Salem – 8.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorari Mandamus, to call for the records relating to Claim Petition ARC. No. 7 of 2019-20 dated 13.08.2019 on the file of the First Respondent and the Sale Auction notice dated 27.09.2023 published



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in Tamil Murasu on 28.09.2023 and quash the same and consequently direct the First Respondent to revoke the encumbrance made against to S. No. 199/3, R.S. No. 199/6 situated at Kannankurichi Village, Salem Taluk, Salem District.

For Petitioner : Mr. K.Vasanthanayagan

For Respondents : Mr. S.Arumugam,
Government Advocate (for R1)

Mr. V.P.R.Ilamvazhudi (for R2 & R3)

ORDER

Heard Mr. K.Vasanthanayagan, Learned Counsel for the Petitioner, Mr. S.Arumugam, Learned Government Advocate appearing for the First Respondent and Mr. V.P.R.Ilamvazhudi, Learned Counsel for the Second and Third Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. The Petitioner has filed this Writ Petition challenging the Order in Claim No. 7/2019-2020 dated 13.05.2019 passed by the First Respondent determining the amount misappropriated by the deceased husband of the Petitioner, viz., M.Boopathi, and the notice dated 27.09.2023 published in Tamil Murasu newspaper on 28.09.2023 for the auction sale of his property.



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3. It is borne out from the materials placed on record that the aforesaid liability that has fallen on the Petitioner arises out of proceedings in Na. Ka. No. 4798/2017/Sa. Pa dated 19.08.2021 passed by the First Respondent under Section 87 of the Tamil Nadu Co-operative Societies Act, 1983 (hereinafter referred to as 'the Act' for short) taken against the said M.Boopathi who was employed as jewel appraiser in the Co-operative Society of the Third Respondent.

4. It is brought to notice that an appeal in C.M.A (CS) Filing No. 1992 of 2023 under Section 152 of the Act has been preferred against the said order dated 19.08.2021 passed under Section 87 of the Act before the Principal District Court (Special Tribunal for Co-operative Societies Cases), Salem, which has been filed on 31.10.2023 (after the filing of the Writ Petition on 16.10.2023) and necessary steps are being taken for processing the said appeal and to obtain interim orders expeditiously.

5. In that backdrop, Learned Government Advocate appearing for the First Respondent, on instructions, states that the proposed auction sale on 03.11.2023 has been postponed to 14.12.2023 and he has filed a memo dated 02.11.2023 to that effect, which is placed on record.



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6. In such circumstances, nothing remains for further consideration in the Writ Petition, but if the Petitioner still has any further grievance to be redressed, she is not precluded from working out her remedies before the proper forum in the manner recognized by law.

In the result, the Writ Petition is disposed with the aforesaid observations. Consequently, the connected Miscellaneous Petitions are closed.
No costs.

02.11.2023

kv

Index: Yes/No

Note: Issue order copy by 05.03.2024.

To

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Salem – 636001.
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3. The Administrator,
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P.D. AUDIKESAVALU, J.

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