



W.P. No. 30514 of 2023

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorari, calling for the entire records relating to the impugned auction notice issued by the Second Respondent in Form Nos. 8 and 9 dated 20.09.2023 and quash the same insofar as the Petitioner is concerned.

For Petitioner : Mr. C.Prakasam

For Respondents : Mr. S.Arumugam,
Government Advocate (for R1 & R2)

Mr. T.Arunkumar (for R3 & R4)

ORDER

Heard Mr. C.Prakasam, Learned Counsel for the Petitioner, Mr. S.Arumugam, Learned Government Advocate, who takes notice for the First and Second Respondents and Mr. T.Arunkumar, Learned Counsel, who takes notice for the Third and Fourth 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. No. 27 of 2020 before the Principal District Judge/Special Tribunal for Co-operative Cases, Salem District against the order



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dated 25.01.2019 passed in Na. Ka. 2019/2018 Sa. Pa by the Second

Respondent in surcharge proceedings under Section 87 of the TNCS Act. Since the Petitioner has not been able to obtain any interim order in the said appeal, the Fourth Respondent has notified the auction sale of the property belonging to the Petitioner to recover the amount due in the surcharge proceedings which is scheduled to take place on 27.10.2023 and has necessitated the filing of this Writ Petition.

3. It is informed that the said appeal before the Principal District Judge / Special Tribunal for Co-operative Societies Cases, Salem District is posted for next hearing on 17.11.2023 and Learned Counsel for the parties agreed that they would co-operate for making their submissions in that appeal before the Tribunal on the said date and in such circumstances, the proposed auction would be adjourned to a date after 14.12.2023, and the same is recorded. 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.

20.10.2023

Index: Yes/No

NCC: Yes/No

Note: Issue order copy by 31.10.2023.

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To

1. The Joint Registrar of Cooperative Societies,
Salem Region,
Salem,
Salem District.
2. The Deputy Registrar of Cooperative Societies,
Omalur Circle,
Omalur,
Salem District.
3. The Administrator,
S.1073 Kundukkal Primary Agricultural Cooperative Credit Society,
Kundukkal,
Konreddiyur,
Kadayampatti,
Salem District.
4. The Sales Officer,
S.1073 Kundukkal Primary Agricultural Cooperative Credit Society,
Kundukkal,
Konreddiyur,
Kadayampatti,
Salem District.



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Copy to

The Principal District Judge,
Salem District.



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P.D. AUDIKESAVALU, J.

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20.10.2023