



WEB COPY



W.P.Nos.25969 and 25970 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.02.2023

CORAM :

The HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. Nos.25969 and 25970 of 2017

and

W.M.P. Nos.27550, 27551, 34082 and 34815 of 2017

G.R. Indirani

...

Petitioner in

both writ petitions

vs

1. The Deputy Registrar of Co-operative Societies,
Tirupattur,
Opp. to Sacred Heart College,
Tirupattur - 635 601.
Vellore District.

2. The Sale Officer,
Office of the Deputy Registrar of Co-operative Societies,
Tirupattur,
Opp. to Sacred Heart College,
Tirupattur - 635 601,
Vellore District.

3. The President,
Girisamuthiram Primary Agricultural
Co-operative Society,
Girisamuthiram Village,
Vaniyambadi Taluk,
Vellore District.

... Respondents in both W.P.s



W.P.Nos.25969 and 25970 of 2017

Prayer in W.P. No.25969 of 2017 : Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 2nd respondent to consider and pass orders on the Objection Petition dated 19.9.2017, in respect of the Surcharge proceedings Tha.Thee.1/2011-2012, dated 5.10.2012, filed by the petitioner before the 2nd respondent.

Prayer in W.P. No.25970 of 2017 : Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 2nd respondent to consider and pass orders on the Objection Petition dated 19.9.2017, in respect of the Surcharge proceedings Tha.Thee.2/2011-2012, dated 5.10.2012, filed by the petitioner before the 2nd respondent.

For Petitioner in both W.P.s : Mr.K. Venkatesan
For Respondents in both W.P.s : Mr.R.Neethiperumal,
Govt. Advocate for R1 & R2
Mr.L.P.Shanmuga Sundaram
for R3

COMMON ORDER

The petitioner's grievance in these writ petitions is that the Surcharge orders having been issued under Section 87 of the Tamil Nadu Co-operative Societies Act, 1983 only against her husband K.Rajendran, the property absolutely belonging to the petitioner cannot be attached by the respondents. In such circumstances, under Rule 135



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of the Co-operative Societies Rules, the petitioner has given representations on 19.09.2017 seeking for release of the attachment.

Since the representations of the petitioner have not been considered, the petitioner has filed these writ petitions.

2. Heard Mr.K.Venkatesan, learned counsel for the petitioner, Mr.R.Neethiperumal, learned Government Advocate appearing for the respondents 1 and 2 and Mr.L.P.Shanmuga Sundaram, learned counsel for the 3rd respondent in both these writ petitions.

3. The petitioner has filed documents along with these writ petitions to substantiate her claim that she is the absolute owner of the property and she is no way responsible for the show cause notice initiated against the petitioner's husband which culminated in the Award passed under Section 87 of the Tamil Nadu Co-operative Societies Act. It is for the respondents to consider the documents on merits and decide as to whether the petitioner is liable or not.

4. No prejudice would be caused to the respondents, if the aforesaid representations submitted by the petitioner under Rule 135 of the Co-operative Societies Rules are considered on merits and in accordance with law, within a time frame to be fixed by this Court.



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5. For the foregoing reasons, this Court directs the 1st respondent to pass final orders on merits and in accordance with law on the petitioner's representations dated 19.09.2017 given under Rule 135 of the Co-operative Societies Rules seeking for release of the attached properties after providing one personal hearing to the petitioner, within a period of eight weeks from the date of receipt of a copy of this order, and the petitioner is also permitted to produce all relevant documents before the respondents in support of her case.

6. With the aforesaid directions, these writ petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

14.02.2023

Index:Yes/No
Neutral Citation:Yes/No
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ABDUL QUDDHOSE, J.

vsi2

To

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