



WEB COPY

W.P.No.34870 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

**W.P.No.34870 of 2022 &
W.M.P.No.34285 of 2022**

1.K.Ashok
2.A.Sathayabanu

... Petitioners

Vs.

1.The Deputy Registrar of co-operative Societies,
Sankari Circle Sankari
Salem District

2.The Administrative Officer
S.877 Vellari Velli primary Agricultural
Cooperative Society Vellari velli Edappadi Taluk
Salem District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking Writ of Certiorari calling for the entire records relating to the impugned order passed by the 1st respondent in his proceedings CEP No.4 / 2022 - 23 dated 10.11.2022 and quash the same.

For Petitioners : Mrs.R.Hemalatha
for Mr.C.Prakasam

For Respondents : Mr.S.Ravi Kumar, SGP for R1
Mr.R.Neethi Perumal, GA for R2



ORDER

WEB COPY

The petitioner has challenged the attachment order dated 10.11.2022 passed by the first respondent under section 167 (2) of the Tamil Nadu Co-operative Societies Act Act, pursuant to an award passed in Surcharge proceedings under section 87 of the Tamil Nadu Co-operative Societies Act, 1983.

2. Heard Mrs.R.Hemalatha, learned counsel for the petitioners, Mr.S.Ravi Kumar, learned Special Government Pleader appearing for the 1st respondent and Mr.R.Neethi Perumal, learned Government Advocate appearing for the 2nd respondent.

3. The first petitioner is the husband and the second petitioner is the wife. The second petitioner has already preferred a statutory appeal as against the award passed under section 87 of the Act before the Salem District Court.



WEB COPY

4. Admittedly, as against the impugned order of attachment passed under section 167 of the Tamil Nadu Co-operative Societies Act, there is a statutory appellate remedy available to the petitioners under section 152 of the Tamil Nadu Co-operative Societies Act, 1983 and without exercising the same, the petitioners have filed this writ petition. Hence, this writ petition is not maintainable and the only remedy available to the petitioners, if aggrieved by the impugned order of attachment is to file a statutory appeal before the competent authority as per the provisions of section 152 of the Act. Since section 152 of the Act prescribes 60 days time for the petitioners to challenge the attachment order and the said period has also got expired, due to the filing of this writ petition, this Court will have to give sufficient time for the petitioners to file the statutory appeal, if aggrieved by the impugned order of attachment under section 152 of the Act.

5. For the foregoing reasons, this writ petition is **disposed of** by directing the petitioners to file the statutory appeal under Section 152 of the Tamil Nadu Cooperative Societies Act, if aggrieved by the impugned order dated 10.11.2022 passed by the first respondent in C.E.P.No.4/2022.-23 under section 167 (2) of the Tamil Nadu Co-operative Societies Act, 1986



within a period of 15 days from the date of receipt of a copy of this Order.

The statutory appellate authority exercising powers under section 152 of the Tamil Nadu Co-operative Societies Act, shall entertain the appeal filed by the petitioners, if the same is filed within the stipulated time fixed by this Court without reference to limitation and pass final orders in the said appeal on merits and in accordance with law. No costs. Consequently, connected miscellaneous petition is closed.

22.02.2023

nl

Index : Yes/No

Speaking/Non speaking orders

Neutral citations : Yes/No

To

1.The Deputy Registrar of co-operative Societies,
Sankari Circle Sankari
Salem District

2.The Administrative Officer
S.877 Vellari Velli primary Agricultural
Cooperative Society Vellari velli Edappadi Taluk
Salem District.



WEB COPY

W.P.No.34870 of 2



ABDUL QUDDHOSE, J.

nl

W.P.No.34870 of 2022

22.02.2023

5/5