



W.A(MD)Nos.721 and 727 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.08.2023

CORAM:

THE HONOURABLE **MR.JUSTICE S.S.SUNDAR**

and

THE HONOURABLE **MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

W.A(MD)No.721 of 2023

and

C.M.P(MD)Nos.6245 and 6247 of 2023

and

W.A(MD)No.727 of 2023

and

C.M.P(MD)Nos.6273 and 6275 of 2023

**W.A(MD)No.721 of 2023:**

Ester Bai Evanjalín Prema

... Writ Appellant/Petitioner

Vs.

- 1.The Joint Registrar of Co-operative Societies,  
Thoothukudi,  
Thoothukudi District.
- 2.The Deputy Registrar of Co-operative Societies / District Registrar,  
Thiruchendur,  
Thoothukudi District.
- 3.The Managing Director,  
Thoothukudi District Central Cooperative Bank,  
Thoothukudi.
- 4.The Management,  
Kurumbur Primary Agricultural Cooperative Credit Society,  
Kurumbur, Eral Taluk,  
Thoothukudi District.



W.A(MD)Nos.721 and 727 of 2023

5.The Cooperative Sub-Registrar,  
Field Officer / (Alwar Thirunagari / Sales Officer),  
Kurumbur Primary Agricultural Cooperative Credit Society,  
Kurumbur, Eral Taluk,  
Thoothukudi District.

6.Koilraj

7.M.Singeswara Raja

... Respondents

(Respondents 6 and 7 are impleaded vide Court order dated  
25.08.2023 made in C.M.P(MD)No.8863, 8866 and 1019 of  
2023 in W.A(MD)Nos.721, 727 and 721 of 2023 by  
SSRJ and DBCJ)

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent, against the  
order made in W.P(MD)No.10709 of 2023, dated 28.04.2023.

**W.A(MD)No.727 of 2023:**

Ester Bai Evanjalini Prema

.... Appellant/Petitioner

vs.

- 1.The Joint Registrar of Co-operative Societies,  
Thoothukudi,  
Thoothukudi District.
- 2.The Deputy Registrar of Co-operative Societies / District Registrar,  
Thiruchendur,  
Thoothukudi District.
- 3.The Managing Director,  
Thoothukudi District Central Cooperative Bank,  
Thoothukudi.
- 4.The Management/Secretary,  
Kurumbur Primary Agricultural Cooperative Credit Society,  
Kurumbur, Eral Taluk,  
Thoothukudi District.



W.A(MD)Nos.721 and 727 of 2023

5.Jeevarani

(5<sup>th</sup> respondent is impleaded vide Court order dated 25.08.2023 made in C.M.P(MD)Nos.8863, 8866 and 10192 of 2023 in W.A(MD)Nos.721, 727 and 721 of 2023 by SSSRJ and DBCJ)

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent, against the order made in W.P(MD)No.7400 of 2023, dated 18.04.2023.

(in both W.As)

For Appellant :Mr.K.Gokul

For R-1 & R-2 :Mr.Veera Kathiravan,  
Additional Advocate General, assisted by  
Mr.J.Ashok,  
Additional Government Pleader

For R-3 & R-4 :Mr.D.Shanmuga Raja Sethupathi

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### **COMMON JUDGMENT**

(Judgment of the Court was delivered by **S.S.SUNDAR, J.**)

Heard the learned counsel appearing on either side.

2. These two writ appeals are directed against the order passed by the learned Single Judge adjourning the writ petitions.

3. The orders impugned in the writ appeals are not in the nature of deciding the rights of parties.



W.A(MD)Nos.721 and 727 of 2023

4. The order impugned in W.A(MD)No.721 of 2023 is an order dated 28.04.2023 made in W.P(MD)No.10709 of 2023. Relevant portion of the said order reads as follows:

*“3. The petitioner cannot expect any orders to be passed, particularly, when the earlier writ petition is pending. The Registry may, therefore, place this particular writ petition along with W.P(MD).No.20063 of 2021, before the Hon'ble Administrative Judge to be listed together.*

*4. I am also informed that the petitioner has filed yet another writ petition in W.P(MD).No.7400 of 2023, wherein this Court had directed that the sale proceedings could proceed. That writ petition may also be listed along with the present writ petition.*

*5. Mr.K.S.Selva Ganesan, learned Special Government Pleader takes notice for the respondents 1, 2, 4 and 5.*

*6. Mr.D.Shanmugaraja Sethupathy, learned counsel takes notice for the third respondent.*

*7. The Registry may list the present writ petition along with the aforementioned writ petitions in accordance with the directions given by the Hon'ble Administrative Judge.”*



W.A(MD)Nos.721 and 727 of 2023

5. The writ appeal in W.A(MD)No.727 of 2023 is directed as against the order, dated 18.04.2023 passed in W.P(MD)No.7400 of 2023, which reads as follows:

“It is again reiterated that the Property cannot be brought on sale unless the petitioner is put on notice.

Call the matter once again on 06/06/2023.

After this order dictated, the learned counsel for the Petitioner raised objections. It is now clarified that the claim petition may be numbered, but still the property can be brought on auction, whether notice issued or not sent.

The pendency of the claim petition cannot be a bar to bring the property on sale.”

6. In W.P(MD)No.10709 of 2023, the petitioner has challenged the order directing auction of a property which is claimed to be the property of the appellant, consequent to the proceedings initiated as against her husband for misappropriation. The total amount stated to be misappropriated by the appellant's husband runs into several crores not less than 13 crores.



W.A(MD)Nos.721 and 727 of 2023

7. The appellant/writ petitioner has earlier filed W.P(MD)No.7400 of of 2023, questioning the order of attachment and the writ petition is still pending and no interim order is passed therein.

8. The appellant has not given the particulars to convince this Court that she had sufficient means to acquire the property on her own.

9. Having regard to the nature of order passed by the learned Single Judge, Letters Patent appeal is not maintainable. Even otherwise, this Court is not convinced by the reasons stated by the appellant for granting interim order having regard to the nature of allegations and the amount involved. Therefore, these writ appeals are dismissed. However, the learned Single Judge is directed to dispose of the writ petitions as expeditiously as possible, preferably, within a period of eight weeks from the date of receipt of this judgment. No Costs. Consequently, connected miscellaneous petitions are closed.

**[S.S.S.R., J.] [D.B.C., J.]**  
**25.08.2023**

Index : Yes / No  
NCC : Yes/No

pm



W.A(MD)Nos.721 and 727 of 2023

To

WEB COPY

- 1.The Joint Registrar of Co-operative Societies,  
Thoothukudi,  
Thoothukudi District.
- 2.The Deputy Registrar of Co-operative Societies / District Registrar,  
Thiruchendur,  
Thoothukudi District.



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W.A(MD)Nos.721 and 727 of 2023

**S.S.SUNDAR, J.**

and

**D.BHARATHA CHAKRAVARTHY, J.**

pm

W.A(MD)Nos.721 and 727 of 2023

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