



WP(MD)No.18184/2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP(MD)No.18184/2014

S.Sharmila Banu

...Petitioner

Vs

1.The Registrar of Co-operative Societies (Housing),
Housing Board Office,
Nandanam, Adayar, Chennai.

2.The Deputy Registrar Housing,
Madurai Region,
A-Main Road, Opposite to State Express Transport
Corporation Office, KK Nagar, Madurai

3.A 1583 Kodaikanal Co-operative House Building
Society Limited,
Rep. by its Secretary,
Kodaikanal

4.DD 193 Dindigul Co-operative Societies Housing Limited,
Rep. by its Secretary,
Dindigul Town,
Dindigul District.

...Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to raise the order of attachment made on the property of the petitioner bearing Re-Survey No.672B1 of Dindigul Town by considering the petitioner's representation dated 26.09.2014 within a time frame that may be stipulated by this Court.

For Petitioner : Mr.S.Vijayakumar

For Respondents : Mr.S.Shaji Bino,
Special Government Pleader,
for R1 and R2

Mr.R.R.Kannan for R3 and R4

ORDER

This Writ Petition is filed for a mandamus directing the respondents to raise the order of attachment made on the petitioner's property in Re-Survey No.672B1, Dindigul Town.

2. The petitioner is the daughter of one Sheik Mohammed (late), who was the then Special Officer of the Kodaikanal Co-operative House Building Society Limited, Kodaikanal and Dindigul Co-operative Societies Housing Limited, Dindigul. Proceedings under Section 152 of



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the Co-operative Societies Act were initiated as against the father of the petitioner. Consequently, surcharge proceedings were initiated against him under Section 87(2) of the Co-operative Societies Act. Pursuant to the same, the second respondent passed an order of attachment in Ne.Ma.No.91/98-99 dated 10.11.1998, attaching his property in R.S.No. 672B1, Dindigul Town. The said order was challenged by him before the Principal District Court, Madurai in CMA.CS.Nos.1/1999, 9/2001 and 30/2001 and the same were allowed on 11.04.2005 holding that the surcharge proceedings were initiated beyond the period of limitation.

3. The orders of the Principal District Court, Madurai were challenged before this Court in WP(MD)Nos.5335, 5336, 5344 & 5345/2007 and this Court by order dated 06.06.2016 set aside the orders passed by the Principal District Court, Madurai stating that the period of limitation prescribed under the Act is only directory and not mandatory. Accordingly, the surcharge proceedings are now re-opened. However, the petitioner based on the orders of the Principal District Court, Madurai in CMA.CS.Nos.1/1999, 9/2001 and 30/2001 has filed this writ petition for a relief of mandamus.



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4. In view of the orders passed by this Court in WP(MD)Nos.5335, 5336, 5344 & 5345/2007 dated 06.06.2016 against the orders passed by the Principal District Court, Madurai in CMA.CS.Nos.1/1999, 9/2001 and 30/2001, dated 11.04.2005, nothing survives for further consideration in this matter. Therefore, this writ petition is dismissed as infructuous with a liberty to the petitioner to workout his remedy before the Co-operative Tribunal / Principal District Court, Madurai. No costs.

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NCC: Yes / No
Index :Yes / No
Speaking Order : Yes / No

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To

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B.PUGALENDHI, J.

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