

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.08.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.6164 of 2015

and

M.P.(MD)No.1 of 2015

T.Anna Rajalakshmi

... Petitioner

Vs.

1.The Deputy Registrar of Co-operative Societies,
Nagercoil, Kanyakumari District.

2.The Special Officer,
South Thamaraikulam Primary
Agricultural Co-operative Society,
Y.298, South Thamaraikulam P.O.
Kanyakumari District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the proceedings issued by the first respondent in Form 8 issued under Rule 126 of Tamil Nadu Cooperative Societies rules dated 09.03.2015 and quash the same and consequently direct the respondents to stop all further proceedings.

For Petitioner : Mr.F.Deepak

For Respondents : Mr.D.Gandhiraj
Special Government Pleader

ORDER

Heard the learned counsel on either side.

2. The petitioner was employed as Cashier/Secretary in-charge of the second respondent society. He suffered an order of surcharge dated 14.06.2012. The petitioner's claim is that he filed an appeal before the Co-operative Tribunal. But the appeal number has not been furnished. The petitioner has not produced any interim stay issued by the Co-operative Tribunal. In these circumstances, the authority rightly issued the impugned auction sale notice.

3. While admitting the writ petition, interim stay was granted subject to condition. It is not known if the petitioner fully complied with the condition stipulated by this Court. Be that as it may, the notice impugned in the writ petition cannot be assailed. It is only consequential in nature. So long as the primary order namely the surcharge order is holding the field, the question of interfering with the consequential proceedings does not arise at all. The impugned order is sustained. However, the petitioner is given breathing time of four months from today to obtain any interim order before the jurisdictional Co-operative tribunal. If the petitioner is unable to obtain any interim order in the aforesaid order from the co-operative tribunal, the respondents can proceed further in the matter.

4. The Writ Petition is dismissed. No costs. Consequently, connected

miscellaneous petition is closed.

29.08.2023

Index : Yes / No
Internet : Yes/ No
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To

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G.R.SWAMINATHAN, J.

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