



WP(MD)No.8089 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 20.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD).No.8089 of 2016
and
W.M.P.(MD).No.6611 of 2016

1.M.Jeyaraman
2.J.Indhira

... Petitioners

Vs

1.The Deputy Registrar of Co-operative
Societies,
Aruppukkottai,
Virudhunagar District.

2.The General Manager,
R.K.10, Virudhunagar District,
Central Co-operative Bank Ltd.,
Virudhunagar.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records pertaining to show cause notice in C.A.E.P.No.4327/2015/SF dated 24.03.2016 and conditional attachment order passed by the 1st



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respondent in C.A.E.P.No.4327/2015/SF dated 24.03.2016 and quash the same as illegal and unconstitutional.

For Petitioners : Mr.S.Balamurugan
For R1 : Mr.N.Rajesh Arumugam
Government Advocate.
For R2 : Mr.D.Shanmuga Raja Sethupathi

ORDER

This writ petition is filed as against the order of attachment passed by the first respondent in C.A.E.P.No.4327/2015/SF dated 24.03.2016.

2.By the order impugned in this writ petition, the first respondent has passed a conditional order of attachment on 24.03.2016 and the petitioner was directed to furnish the security on the same day, failing which, the property of the petitioner's wife would be attached.

3.The learned counsel appearing for the petitioner submits that the first respondent has passed the impugned order without



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providing sufficient opportunity to the petitioner to furnish security and therefore it is liable to be set aside.

4. The learned counsel appearing for the second respondent submits that the order under challenge in this writ petition is only an interim order of attachment and subsequently final order has been passed. The only remedy available for the petitioner is before the Co-operative Tribunal by way of filing CMACS.

5. The learned Government Advocate appearing for the first respondent submits that an order under Section 87 of the Tamil Nadu Co-operative Societies Act, 1983 has already been passed by the District Registrar and the same was challenged by this petitioner before the Co-operative Tribunal/Principal District Judge, Virudhunagar in CMACS Nos.3 & 4 of 2017 and the same is posted for judgment.



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6.Considering the subsequent developments and recording the submissions made on behalf of the respondents, this writ Petition is closed with a liberty to the petitioner to work out his remedy in CMACS Nos.3 & 4 of 2017 preferred by the petitioner, before the Co-operative Tribunal/Principal District Judge, Virudhunagar. No Costs. Consequently, connected Miscellaneous Petition is closed.

20.02.2023

Index : Yes / No.

Internet : Yes / No.

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To

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

2.The General Manager,
R.K.10, Virudhunagar District,
Central Co-operative Bank Ltd.,
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B.PUGALENDHI, J.

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Order made in
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