



W.P(MD)No.24641 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 11.10.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.24641 of 2023

and

W.M.P.(MD)No.20836 of 2023

P.Poomalai

... Petitioner

Vs.

1.The Deputy Registrar of Co-Operative Societies /
Sale Officer / District Registrar,
O/o. the Deputy Registrar of Co-Operative Societies,
Srivilliputhur, Virudhunagar District.

2.Sp.Spl.118, Chathirapatti Thiruvankidasamy Primary
Agricultural Co-Operative Credit Society,
Represented by its Secretary, Chathirapatti,
Rajapalayam Taluk, Virudhunagar District.

... 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 the impugned attachment order dated 18.01.2023 issued by the 1st respondent and consequential impugned sale notice made in Ne.Ma.No.4/2021-2022 dated 14.09.2023 issued by the 1st respondent and quash the same.



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For Petitioner : Mr.P.R.Prithiviraj

For Respondents : Mr.K.Balasubramani,
Spl. Government Pleader.

ORDER

Heard both sides.

2.The petitioner was the Secretary of the second respondent society. He suffered an order of surcharge under Section 87 of the Cooperative Society Act, 1983. Questioning the same, the petitioner filed CMA (CS) No.16 of 2022 on the file of the Principal District Court, Srivilliputhur. It is still pending. The petitioner has not obtained an interim order of stay. In the meanwhile, the impugned sale proceedings have been initiated. The auction is proposed to be held on 26.10.2023. The learned Special Government Pleader on instructions states that a sum of Rs.16,000/- has already been incurred by the society towards publication expenses. The petitioner is ready to pay the same. A sum of Rs.40,000/- shall be paid directly paid to the second respondent society by the petitioner within a period of four weeks from the date of receipt of



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a copy of this order. The sum of Rs.16,000/- will remain non-refundable.

The sum of Rs.40,000/- can be returned to the petitioner, if he succeeds in CMA (CS). The learned Principal District Judge, Srivilliputhur is directed to dispose of the aforesaid appeal on merits and in accordance with law within a period of four months from the date of receipt of a copy of this order. Till then, the impugned auction sale proceedings will be kept in abeyance.

3.This writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

11.10.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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Note: The Registry to mark a copy of this order to the learned Principal District Judge, Srivilliputhur.

To:-

1.The Deputy Registrar of Co-Operative Societies /
Sale Officer / District Registrar,
O/o. the Deputy Registrar of Co-Operative Societies,
Srivilliputhur, Virudhunagar District.

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Agricultural Co-Operative Credit Society,
Represented by its Secretary, Chathirapatti,
Rajapalayam Taluk, Virudhunagar District.

Copy to:

The Principal District Court,
Srivilliputhur

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