



W.P(MD)No.28734 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.12.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.28734 of 2023

and

W.M.P.(MD)No.24774 of 2023

Nagarajan

... Petitioner

Vs.

1.The Deputy Registrar,
Co-operative Societies,
Palani,
Dindigul District.

2.The Secretary (Incharge)
A-1609-Kodaikanal Primary Agricultural
Cooperative Credit Society,
Kamarajar Salai,
Kodaikanal,
Kodaikanal Taluk,
Dindigul District.

3.The Sub Registrar,
Kodaikanal,
Dindigul 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 impugned order passed by the 1st respondent in his proceedings in C.E.P.No.08/2018-19 dated 06.11.2023 and quash the same as



W.P(MD)No.28734 of 2023

illegal and arbitrary and further direct the respondents do not interfere with the petitioners property in any way with regard to his Property in old T.S.No. 56A and 57 presently new Ward - C, Block No.13, T.S.No.3 total south part 272 cents and now new Sub-division in T.S.No.3/12, Ward - C, Block No.13 situated at Kodaikanal Municipality, Kodaikanal Taluk, Dindigul District.

For Petitioner : Mr.G.Gomathisankar

For Respondents : Mr.S.Ra.Ramachandran
Additional Government Pleader

ORDER

Heard both sides.

2. The petitioner was the president of the second respondent society for five years from 2013-2018. The case of the petitioner is that misappropriation was committed by the secretary and that is why, the criminal prosecution was ordered to be launched against him.

3. The petitioner's grievance is that the impugned attachment order has been passed under Section 167(2) of the Tamil Nadu Co-operative Societies Act, 1983. I wanted to know from the petitioner's counsel if the petitioner has suffered any surcharge order under Section 87 of the Act. The petitioner's counsel replied that questioning the said order, the petitioner has filed CMA before the Co-operative Tribunal. The petitioner does not appear to have obtained any interim order from the Tribunal. When the surcharge order is



W.P(MD)No.28734 of 2023

operating against the petitioner, the authority is justified in passing an order of attachment. The question of writ Court interfering in the issue does not arise at all.

4. Granting liberty to the petitioner to pursue his remedy in the pending appeal before the Co-operative Tribunal, the Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

06.12.2023

Index : Yes / No
Internet : Yes/ No
rmi

To

- 1.The Deputy Registrar,
Co-operative Societies,
Palani,
Dindigul District.
- 2.The Secretary (Incharge)
A-1609-Kodaikanal Primary Agricultural
Cooperative Credit Society,
Kamarajar Salai,
Kodaikanal,
Kodaikanal Taluk,
Dindigul District.
- 3.The Sub Registrar,
Kodaikanal,
Dindigul District.



WEB COPY



W.P(MD)No.28734 of 2023

G.R.SWAMINATHAN, J.

rmi

W.P(MD)No.28734 of 2023

06.12.2023