



W.P(MD)No.29795 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.12.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.29795 of 2023

and

W.M.P.(MD)No.25724 of 2023

P.Sankarapandian

... Petitioner

Vs.

1.The Joint Registrar of
Co-operative Societies (Full Additional Charge),
Tenkasi,
Tenkasi District.

2.The Deputy Registrar of
Co-operative Societies (Full Additional Charge),
Sankarankovil,
Tenkasi District.

3. O.702 Pandhapuli Primary Agricultural
Cooperative Credit Society,
Represented by its Special Officer,
Pandhapuli,
Tenkasi District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records relating to the impugned demand notice dated 30.11.2023 in Assessment No. 1/23-24, Execution Petition No.1/23-24 issued by the 2nd respondent and quash the same as illegal.



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For Petitioner : Mr.R.J.Karthick

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

ORDER

Heard both sides.

2. The petitioner is facing surcharge proceedings under Section 87 of the Tamil Nadu Cooperative Societies Act. He questions the impugned notice which calls upon the petitioner to make payment demanded in the notice.

3. The learned Additional Government Pleader tries to explain that even though the notice has been styled as demand notice, it is actually a attachment notice under Section 167 of the Act.

4. I am more than satisfied that non application of mind is evident on the very face of it. The impugned notice is set aside. Liberty is given to the second respondent to issue a proper attachment notice under Section 167 of the Act. I make it clear that I have not gone into the merits of the matter.

5. With this liberty to the second respondent, the Writ Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

14.12.2023

Index : Yes / No
Internet : Yes/ No
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