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W.P. No. 6062 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.03.2024

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THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 6062 of 2024

and

W.M.P. Nos. 6708, 6709 and 6716 of 2024

1. M.Mani

2. M.Govindamal

... Petitioners

-vs-

1. The Deputy Registrar of Cooperative Societies,
Sankari Taluk, Salem District.

2. The Administrator,
S 877 Vellarivelli Primary Agricultural Cooperative,
Credit Society Limited,
Vellarivelli Village & Post,
Edapadi Taluk,
Salem District.

3. The Sale Officer,
S 877 Vellarivelli Primary Agricultural Cooperative,
Credit Society Limited,
Vellarivelli Village & Post,
Edapadi Taluk,
Salem District.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorari, calling for the records of the First Respondent herein relating to the impugned orders Form 8 in E.P. No. 2/2023-2024 and the consequential auction notice in form 9 dated 06.02.2024 quash the same.



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For Petitioners : Mr. G.Punniakoti

For Respondents : Mr. S.J.Mohamed Sathik
Government Advocate (for R1)

Mr. E.Vijay Anand (for R2 & R3)

ORDER

Heard Mr. G.Punniakoti, Learned Counsel for the Petitioners, Mr. S.J.Mohamed Sathik, Learned Government Advocate appearing for the First Respondent and Mr. E.Vijay Anand, Learned Counsel appearing for the Second and Third Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. The Petitioners have filed this Writ Petition challenging the Proceedings dated 06.02.2004 in the prescribed Form Nos. 8 and 9 issued under Rule 126(2)(e) of the Tamil Nadu Co-operative Societies Rules, 1988 (hereinafter referred to as 'the TNCS Rules' for short) issued by the Third Respondent for the auction sale of his property proposed to be held between 13.03.2024 and 15.03.2024.

3. According to the Petitioners, the aforesaid liability that has fallen on the First Petitioner arises out of liability fastened on him in surcharge Proceedings



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in Na.Ka.No. 2945/2022 dated 18.11.2022 passed by the First Respondent

under Section 87 of the Tamil Nadu Co-operative Societies Act, 1983 (hereinafter referred to as 'the Act' for short) while he was employed as Assistant Secretary in the Co-operative Society of the Second Respondent.

4. It is brought to notice that an appeal in C.M.A. (CS) Filing No. 3355 of 2023 under Section 152 of the Act has been preferred against the said order dated 18.11.2022 passed under Section 87 of the Act before the Special Tribunal for Co-operative Cases (Principal District Court, Salem) along with application to condone delay in filing it, which is posted on 08.03.2024 for next hearing.

5. In such circumstances, it shall be ensured that the said appeal before the Special Tribunal for Co-operative Cases (Principal District Court, Salem) shall be taken up for hearing on the said date, when all parties (including the Petitioners and the Second Respondent) shall appear in person or through Counsel. It is needless to add here that no view has been expressed by the Court on merits of the controversy involved in the matter and it would be incumbent upon the the Special Tribunal for Co-operative Cases (Principal District Court, Salem) after affording full opportunity of hearing to the parties following the



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prescribed procedure, to pass any order, final or interim, may be deemed fit on merits and in accordance with law. The further course of action in the impugned proceedings before the Third Respondent shall depend upon its outcome.

In the result, the Writ Petition is disposed on the aforesaid terms. Consequently, the connected Miscellaneous Petitions are closed. No costs.

06.03.2024

Index: Yes/No

NCC: Yes/No

Note: Issue order copy by 22.05.2024.

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To

1. The Deputy Registrar of Cooperative Societies,
Sankari Taluk, Salem District.
2. The Administrator,
S 877 Vellarivelli Primary Agricultural Cooperative,
Credit Society Limited,
Vellarivelli Village & Post,
Edapadi Taluk,
Salem District.
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Copy to

1. The Special Tribunal for Co-operative Cases (Principal District Court),
Salem.
2. M.Mani,
S/o. Mailsamy,
Oonai Goundarnoor Village,
Vellarivelli Post,
Edapadi Taluk,
Salem District.
3. M.Govindammal,
W/o. Mani,
Oonai Goundarnoor Village,
Vellarivelli Post,
Edapadi Taluk,
Salem District.



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P.D. AUDIKESAVALU, J.

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