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W.P. No. 6854 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.03.2024

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

W.P. No. 6854 of 2024

and

W.M.P. Nos. 7646 and 7647 of 2024

Palanisamy

... Petitioner

-VS-

1. The Deputy Registrar of Co-operative Societies,
Sankagiri Region,
Sankagiri Taluk,
Salem District.

2. The Secretary,
S. 877, Vellarivelli,
Primary Agricultural Co-operative Thrift Society,
Vellarivelli,
Edapadi Taluk,
Salem District.

3. P.Ravikumar

... 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 relating to the impugned Auction Notice dated 06.02.2024 issued in Form-8 and Form-9 under Rule 126(2)(e) of the Tamil Nadu Co-operative Societies Rules, 1988 on the file of the First Respondent herein, quash the same.

For Petitioner

: Mr. K.Govi Ganesan



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W.P. No. 6854 of 2024

For Respondents : Mrs. Geetha Thamaraiselvan,
Special Government Pleader (for R1)

Mr. V.Ravi (for R2)

ORDER

Heard K.Govi Ganesan, Learned Counsel for the Petitioner, Mrs. Geetha Thamaraiselvan, Learned Special Government Pleader, who takes notice for the First Respondent and Mr. V.Ravi, Learned Counsel, who takes notice for the Second Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. The grievance ventilated by the Petitioner is that the auction sale is taking place despite pendency of the objections raised by the Petitioner under Rule 135 of the Tamil Nadu Co-operative Societies Rules, 1988 (hereinafter referred to as 'the TNSC Rules' for short) relating to the attachment of the property.

3. Learned Special Government Pleader appearing for the First Respondent has brought to notice that the objections raised under Rule 135 of the TNSC Rules has been disposed by Proceedings in Ni.Ma. No. 01/2022-2023 Sa Pa dated 13.03.2024 and its copy has been placed on record. Learned Counsel for



W.P. No. 6854 of 2024

the Petitioner also acknowledges its receipt in court today.

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4. In terms of Rule 135(2) of the TNCS Rules, any person aggrieved by the order of rejection of his objection is entitled to institute a suit within six months. In such circumstances, the Petitioner is not precluded from working out his remedies in terms of the said rule before the jurisdictional Civil Court and any sale of the property in the interregnum would be subject to its result.

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

14.03.2024

Index: Yes/No

NCC: Yes/No

Note: Issue order copy by 04.04.2024.

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To

1. The Deputy Registrar of Co-operative Societies,
Sankagiri Region,
Sankagiri Taluk,
Salem District.
2. The Secretary,
S. 877, Vellarivelli,
Primary Agricultural Co-operative Thrift Society,
Vellarivelli,
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W.P. No. 6854 of 2024

P.D. AUDIKESAVALU, J.

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W.P. No. 6854 of 2024

14.03.2024