



W.P.No.8792 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.04.2024

CORAM:

THE HONOURABLE **MRS. JUSTICE V.BHAVANI SUBBAROYAN**

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S. Ramu

.. Petitioner

Versus

1. The Deputy Registrar
of Co-operative Societies
(Non – Credit), Kuralagam,
Chennai.

2. The President,
Modern Engineers Construction
Co-operative Society Ltd.,
Triplicance, Chennai – 600 005.
Now functioning at
TANCOF Campus, Ekkaduthangal,
Chennai

..Respondents

Prayer: This Writ petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first respondent to number the Execution Petition filed by the petitioner Na.ka.2398/2018/Sa.Pa.2 dated 22.02.2023 sequel to final orders passed by CMA No. 22 of 2019 dated 06.04.2022 and complete adjudication of the execution within the time frame to be stipulated by this Hon'ble Court and pass orders.



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For Petitioner

: Mr.T.S. Rajamohan

For Respondents

: Mr.M.Geetha ThamaraiSelvan
Special Government Pleader

ORDER

This Writ Petition has been filed seeking a Writ of Mandamus directing the first respondent to number the Execution Petition filed by the petitioner Na.ka.2398/2018/Sa.Pa.2 dated 22.02.2023 sequel to final orders passed by CMA No. 22 of 2019 dated 06.04.2022 and complete adjudication of the execution within the time frame.

2. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

3. The facts of the case is that the petitioner has executed Civil Construction Work for the second respondent for the value of Rs.5,88,035/- While so the second respondent without honouring the petitioner's bill has considered the bill of one Mr.S.Krishnamurthy, which has given rise to dispute No.22/15/16/Sapa2 invoking provisions under



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Section 90(1) of the Tamil Nadu Co-operative Act before the first respondent. It is pertinent to note that the entire payment was disbursed by BTNL and the same was received by the first respondent/society and it was not informed to the petitioner. Thereafter, the first respondent directed the second respondent to pay the above sum together with interest @ 18% p.a. Challenging the same the second respondent filed above appeal in C.M.A.No.22 of 2019 and Judgment was also passed on 06.04.2022 wherein interest rate was modified to 9% from 18%. The sum and substance of the case is that to execute the order passed in C.M.A.No.22 of 2019 dated 06.04.2022 the petitioner has filed a Execution petition and the same was not yet numbered, which has given rise to this petition.

4.The learned counsel for the petitioner submitted that it would be suffice if this Court issues a direction to the first respondent to number the Execution Petition filed by the petitioner.

5. The learned Special Government Pleader appearing for the respondents produced a letter dated 25.04.2024 wherein they will



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number the execution petition and withdraw the case in SR No.146935/22 dated 23.12.2022 filed against the same.

6. I have given anxious consideration to either side submissions and perused the materials available on record.

7 .Considering the facts and circumstances of the case, this Court directs the first respondent to number the execution petition within a period of eight weeks from the date of receipt of a copy of this Order and dispose the same as expeditiously as possible.

8. With the aforesaid direction, this Writ Petition stands disposed of. No costs.

25.04.2024

Speaking order : Yes/No
Neutral citation : Yes/No
Index : Yes/No
smn



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To

1. The Secretary to Government,
Department of Tourism, Culture
Religious Endowments,
Government of Tamil Nadu
Fort St. George,
Chennai-600 009.
2. The Commissioner
Hindu Religious and Charitable Endowments
No.119, Uthamar Gandhi Salari
Nungambakkam
Chennai-600 34.
3. The Assistant Commissioner
Hindu Religious and Charitable Endowments
No.119, Uthamar Gandhi Salari
Nungambakkam
Chennai-600 034
4. Arulmighu Selliamman Thirukoil
Rep. by its Executive Officer
Velachery, Chennai-600 042.



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V.BHAVANI SUBBAROYAN, J.

smn

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