



W.P.No.11060 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.09.2024

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THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.11060 of 2022

and

W.M.P. No. 10652 of 2022

C.Boothalan

... Petitioner

Vs

1. The Deputy Registrar of Cooperative Societies,
Dharmapuri Circle,
Dharmapuri.

2. The Co-operative Sub-Registrar / Sales Officer,
KK25 Modhur Primary Agricultural Co-operative
Credit Society Ltd.,
Modhur, Dharmapuri District.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned Auction Notice of the second respondent in E.P. No. 14/2019-20 Award No. 2941/2015/Sa.Pa. (Served on 18.03.2022) of the petitioner, quash the same and to issue consequential directions to the first respondent to consider the offer of the petitioner made in his representation dated 21.03.2022 and allow him to remit the amount payable on his part individually in the light of the direction made in W.P.No.650 of 2008 dated



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08.12.2010 by this Court in a case of similarly placed person.

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For Petitioner : Mr. C.Munusamy
for Mr. P.Sivamuruganathan

For Respondents : Mr. M.Rajendran,
Additional Government Pleader

O R D E R

This Writ Petition has been filed challenging the Auction Notice in E.P. No. 14/2019-20, Award No. 2941/2015/Sa.Pa. (served on 18.03.2022), and seeks consequential directions to the first respondent to consider the petitioner's offer made in his representation dated 21.03.2022. The petitioner requests permission to remit the amount payable individually, in light of the directions issued in W.P. No. 650 of 2008 (dated 08.12.2010) by this Court, which involved a similarly placed person.

2. Heard the learned counsel for both sides and perused the materials available on record.

3. While the Writ Petition was pending, as directed by this Court, the petitioner paid a sum of Rs.30,00,000/-. Surcharge proceedings under



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Section 87 of the Tamil Nadu Co-operative Societies Act, 1983 were initiated against four individuals, including the petitioner, who is a Clerk. However, insofar as the petitioner's share is concerned, he has already made payment.

4. That apart, the auction notice reveals that the property belongs to the entire family and has been brought into auction sale. In view of the share of the petitioner already paid in pursuance to the surcharge order, the auction sale notice cannot be sustained and it is liable to be quashed. Accordingly, the impugned Auction Notice in E.P. No. 14/2019-20, Award No. 2941/2015/Sa.Pa. (served on 18.03.2022) is hereby quashed.

5. In the result, this Writ Petition is allowed. Consequently, the connected Miscellaneous Petition is closed. No costs.

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Index: Yes/No
Neutral Citation: Yes/No
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To
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1. The Deputy Registrar of Cooperative Societies,
Dharmapuri Circle,
Dharmapuri.
2. The Co-operative Sub-Registrar / Sales Officer,
KK25 Modhur Primary Agricultural Co-operative
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G.K.ILANTHIRAIYAN, J.

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