



W.P.No.11686 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.12.2024

CORAM:

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

W.P.No.11686 of 2024

K.R. Palanisamy

...Petitioner

Vs

1. The Registrar of Co-operative Societies
No.170, E.V.R Road, Dr. Radhakrishnan Nagar,
Razaar Garden, SBI Officers Colony, Arumbakkam
Chennai, Tamil Nadu- 600 106.

2. The Deputy Registrar of Co-operative Societies,
42 B, Balaji Nagar, Nallgoundenpalayam,
Gopichettipalayam, Erode District – 638 452

3. The Sub Registrar
116/117, Car Street Anthiyur,
Erode 638 501

4. The Special Officer,
Hills Living people 'Lamp' Co-operative Society,
Sathyamangalam, Erode District

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of

India to issue a Writ of Mandamus directing the second and fourth



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respondents to raise the order of attachment dated 01.11.1996, registered on the file of the 3rd respondent dated 12.12.2012, upon receipt of Rs.13,50,000/- vide representation dated 30.10.2023 and pass orders.

For Petitioner : Mr. Ar.M. Arunachalam

For Respondents 1 and 2 : Mr.G. Krishna Raja
Additional Government Pleader

For Respondent-4 : Mr.P.Rajarajeswari
Government Advocate

ORDER

On an earlier occasion, this Court vide order dated 30.04.2024 disposed of the writ petition with a direction to the second and fourth respondents to raise the order of attachment within a period of eight weeks from the date of receipt of a copy of this order. The said order is re-called due to the reasons as stated below.

2. The sum and substance of the case is that under the presumption made by the petitioner that he approached the second and fourth respondents to pay a sum of Rs.13,50,000/- towards the alleged loss caused by him to the society, but the second and fourth respondents have



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not turned up to receive the said amount. But the fact remains that the petitioner has suppressed many material facts and filed the present writ petition.

3. Further more, in view of the fact that the petitioner is ready and willing to pay the alleged amount towards the loss caused to the society, but the second and fourth respondents have not turned up to receive the said amount, this Court has disposed of the writ petition on 30.04.2024 with a direction to second and fourth respondents to raise the order of attachment within a period of eight weeks from the date of receipt of a copy of this order. When things stood thus, the fourth respondent/The Special Officer in the writ petition has filed W.M.P.No.25004 of 2024 to clarify the findings made in the order dated 30.04.2024 in W.P.No.11686 of 2024. From the affidavit filed by the W.M.P.No.25004 of 2024, it came to light that the petitioner has suppressed the material facts and filed the writ petition and the petitioner has not come forward to pay a sum of Rs.13,50,000/- to the second and fourth respondents as stated in the writ petition and the petitioner has caused huge loss to the society which amounts to Rs.93,02,486/-, but he has stated that he has



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caused loss only to the tune of Rs.13,50,000/-, for which the learned counsel for the petitioner has no objection.

4. In view of the suppression of the materials facts made by the petitioner, this Court directs the petitioner to pay the alleged misappropriated amount of Rs.93,04,486/- as stated by the fourth respondent in W.M.P.No.25004 of 2024 within a period of eight weeks from the date of receipt of a copy of this order. After receipt of the said amount the first, second and fourth Respondents are directed to pass orders with regard to raise the attachment on merits and in accordance with law.

5. With the aforesaid direction, this writ petition is disposed of. No order as to costs.

17.12.2024

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



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To

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V.BHAVANI SUBBAROYAN, J.

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