



W.P.No. 18685 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.07.2024

CORAM:

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

W.P.No.18685 of 2024

K.G. Balakrishnan

.. Petitioner

Versus

1. The Registrar,
Office of Co-operative Societies
Chennai.

2. The Zonal Deputy Registrar of
Co-operative Societies,
Krishnagiri-635 001.

3. Deputy Registrar Co-operative Societies.
Krishnagiri- 635 001.

4. The Secretary,
S 1043 Mottupatti Primary Agricultural
Co-operative Credit Society,
Mittapalli.
Krishnagiri District.

5. The Sub – Registrar,
Sub Registrar Office,
Uthangarai,
Krishnagiri District.

...Respondents



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Prayer: This petition is filed under article 226 of the Constitution of India to issue an writ of Mandamus directing the respondent to raise the attachment of petitioner's properties comprised in Survey No.20/1, 20/2 measuring to an extent of 1.58 hectares of Goddukarampattu Village, Uthangarai Taluk, Krishnagiri District and direct the 4th respondent to raise the attachment and clear the encumbrance made thereon and pass orders.

For Petitioner : Mr.K. Thiruvencadam

For Respondents1 to 3 : Mr.G. Krishna Raja
Additional Government Pleader

For Respondent-4 : Mr.T. Cheziycen,
Additional Government Pleader

For Respondent-5 :Mr.M. Shahjahan
Special Government Pleader

ORDER

This writ petition is filed seeking a writ of Mandamus to direct the respondents to raise the attachment of petitioner's properties comprised in Survey No.20/1, 20/2 measuring to an extent of 1.58 hectares of Goddukarampattu Village, Uthangarai Taluk, Krishnagiri District and direct the 4th respondent to raise the attachment and clear the encumbrance.



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2. It is the case of the petitioner that the petitioner worked as a senior clerk in the 4th respondent Society. It is stated that he was issued with a charge memo vide order Na.Ka.No.6048 of 2004 and Sa.Pa.2 Na.Ka.No.3436 of 2005 and Sa.Pa.2 and 6/2006 Sa.Pa and the properties of the petitioner comprised in Survey No.20/1, 20/2 measuring to an extent of 1.58 hectares situated at Goddukarampattu, Village, Uthangarai Taluk Krishnagiri are attached. A Criminal case was also filed against the petitioner and he was released on 02.01.2013. However, the petitioner completed his probationary period with good records and he has also paid the entire financial loss caused by him. The petitioner was superannuated on 31.03.2016 and also received the retirement benefits from the respondents. The grievance of the petitioner is that the petitioner has given representation to the first and second respondents requesting to raise the attachment of the properties, but the same was not considered till date. Hence, this petition.

3. The learned counsel for the petitioner submitted the Sub Registrar of Co-operative Societies/Field Officer has sent recommendation to raise the attachment of the properties to the second



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respondent on March 2023. But, till date the order of attachment is not raised. Hence, prays to allow this petition.

4. The learned Government Pleader appearing for the respondents submitted that they will verify all the records pertaining to this issue and pass orders.

5. The learned counsel appearing for the 5th respondent would submit that they can decide the issue only after receiving instructions from the fourth respondent.

6. Heard both sides and perused the materials available on records.

7. Considering the facts of the case, this Court directs the second, third and fourth respondents to pass appropriate orders on the representation made by the petitioner within a period of eight weeks from the date of receipt of a copy of the order. **It is made clear that if there is any amount due to be collected from the petitioner, the respondents**



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are entitled to collect it from the petitioner before passing orders.

After receiving instructions from the 4th respondent, the 5th respondent should decide the issue with regard to clear the encumbrance made in the subject property.

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

11.07.2024

Speaking order : Yes/No
Neutral citation : Yes/No
Index : Yes/No
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V.BHAVANI SUBBAROYAN, J.

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