



WEB COPY



W.P.No.31708 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.11.2024

CORAM :

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

Writ Petition No.31708 of 2024

K.Gopal

....

Petitioner

-Vs-

1.The Managing Director
Chengalvarayan Co-operative Sugar
Mills Ltd.,
Periyasevalai
Villupuram District
Pin-607 209.

2.The Deputy Registrar of
Co-operative Societies
Tirukoilur
Kallakurichi District.

3.The Co-operative Sugar Mills
Employees Co-operative and Credit Society
Rep.by its Administrator
Having Office at Periyasevalai
Villupuram District.

.. Respondents

[R3- Suo motu impleaded as per order
dated 07.1.2024 in WP.No.31708 of 204
by CVKJ)



W.P.No.31708 of 2023

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents to consider the representation of the petitioner dated 25.10.2023 within the time stipulated by this Court.

For Petitioner : Mr.S.Udayakumar

For Respondents : Mr.S.Ravi Kumar
Special Government Pleader

ORDER

Writ petition has been filed in the nature of a mandamus seeking a direction against the respondents to consider a representation given by the petitioner on 25.10.2023, within a stipulated time period.

2.The younger brother of the petitioner herein was the President of Chengalvarayan Sugar Mill Employees Co-operative and Credit Society. It had been stated that owing to allegation of misappropriation, proceedings had been initiated against the younger brother of the petitioner. On the side of the respondents, the learned Special Government Pleader states that the liability is



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joint and several of the petitioner and also his younger brother. The recovery proceedings are still pending in CMA No.10 of 2021, before the Principal District Court at Villupuram. The property for which a representation had been given is being agitated in E.P.No.138A/2001-2002.

3.It is contended on behalf of the petitioner that the petitioner had paid the entire amount due namely a sum of Rs.3,01,000/- on 27.6.2012 by remitting it at Villupuram District, Central Co-operative Bank Limited, Periasavalai. It is contended that inspite of receipt of the said amount, the respondents are taking steps to proceed against the property. A status report had been filed by the 2nd respondent wherein it had been stated that no sale auction will be conducted for the property which had been attached pending disposal of CMA No.10 of 2021 and the connected Execution Petition. The petitioner must therefore concentrate on CMA No.10 of 2021 being disposed of by the learned Principal District & Sessions Judge at Villupuram.

4.A status report had been enclosed along with the documents in the writ petition and a perusal of the same shows that it had been listed for arguments for several hearings and there has been no effective progress. On one of the dates



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it had been shown as disposed of but it appears to be pending before the Principal District Court at Villupuram. The petitioner may take a considered decision to implead himself as a further party in the said Civil Miscellaneous Appeal and bring to the notice of that Court about the payments made. But at any rate, the respondents have undertaken that they would not proceed with auction till the disposal of the Civil Miscellaneous Appeal. The Principal District Court at Villupuram will have to pass orders relating to the proceedings initiated against the brother of the petitioner herein. The jurisdiction of the Writ Court is extremely narrow particularly because a Civil Miscellaneous Appeal is pending before the Principal District Court at Villupuram.

5.It is informed that CMA No.10 of 2021 had been transferred to Principal District Court At Kallakurichi and re-numbered as CMA No.1 of 2024.

6. The writ petition is dismissed. However, a direction is issued to the learned Principal District Juidge at Kallakurichi, to endeavor to dispose of CMA No.1 of 2024 on or before 31.01.2025 provided of course the learned counsels argue the matter and co-operate with such disposal.



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6.In the result, writ petition stands dismissed. No costs.

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Index : Yes/No

NCS : Yes/No

KP

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