



WEB COPY



W.P. No. 36367 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.01.2024

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

**W.P. No. 36367 of 2023
and
W.M.P. Nos. 36361 and 36362 of 2023**

R.Venkatachalam

... Petitioner

-VS-

1. The Deputy Registrar of Co-operative Societies,
Salem Region,
Salem – 636 001.
 2. The Sale Officer,
Cooperative Sub Registrar / Filed Officer,
S.9787, K.Kondappanaykanpatti Primary Agricultural
Cooperative Credit Society Limited,
Kondappanaykanpatti Post,
Kannankurichi Post,
Salem – 8.
 3. The Administrator,
S.9787, K.Kondappanaykanpatti Primary Agricultural
Cooperative Credit Society Limited,
Kondappanaykanpatti Post,
Kannankurichi Post,
Salem – 8.
- Respondents

...

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorarified Mandamus, calling for the records relating the Sale Auction Notice dated 28.11.2023 published in Malai



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Malar on 30.11.2023 and quash the same and consequently direct the First Respondent to revoke the encumbrance made against to Survey No. 185/1 situated at Kannankurichi Village, Salem Taluk, Salem District and Survey No. 33/3 situated at Palapatty Village, Salem Taluk, Salem District.

For Petitioner : Mr. K.Vasanthanayagan
For Respondents : Mr. B.Vijay,
Additional Government Pleader
(for R1 & R2)
Mr. A.M.Ayyathurai (for R3)

ORDER

Heard Mr. K.Vasanthanayagan, Learned Counsel for the Petitioner, Mr. B.Vijay, Learned Additional Government Pleader, who takes notice for the First and Second Respondents and Mr. A.M.Ayyathurai, Learned Counsel, who takes notice for the Third Respondent, and perused the materials placed on record, apart from the pleadings of the parties.

2. The Petitioner has preferred an appeal under Section 152 of the Tamil Nadu Co-operative Societies Act, 1983 (hereinafter referred to as 'the TNCS Act')



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for short) along with an application in I.A. No. 2 of 2023 to condone the delay in filing the same before the Principal District Judge/Special Tribunal for Co-operative Cases, Salem District against the order dated 19.08.2021 passed in Na. Ka. 4798/2017 passed by by the First Respondent in surcharge_proceedings under Section 87 of the TNCS Act. Since the Petitioner has not been able to obtain any interim order in the said appeal, the Second Respondent has notified the auction sale of the property belonging to the Petitioner to recover the amount due in the surcharge proceedings, which is scheduled to take place on 04.01.2024 and has necessitated the filing of this Writ Petition.

3. It is informed that the parties have agreed that they would co-operate for making their submissions in that appeal before the Tribunal on the next hearing and in such circumstances, the proposed auction has been adjourned *sine die*, and the same is recorded. In view of the same, Learned Counsel for the Petitioner seeks permission of the Court to withdraw the Writ Petition reserving the rights of the Petitioner to work out his remedies, if necessary, before the proper forum in the manner recognized by law.



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In the result, the Writ Petition is dismissed as withdrawn with the aforesaid clarifications. Consequently, connected Miscellaneous Petition is closed. No costs.

04.01.2024

Index: Yes/No

NCC: Yes/No

Note: Issue order copy by 05.06.2024.

vjt

To

1. The Deputy Registrar of Co-operative Societies,
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Salem – 636 001.
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P.D. AUDIKESAVALU, J.

vjt

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