



W.P(MD)No.17472 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 26.03.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

WP(MD)No.17472 of 2023

and

WMP(MD)Nos.14639 & 14640 of 2023

G.Prabu

... Petitioner

Vs.

1.The Regional Deputy Registrar (Housing),
Samathu Palli Street, Kajamalai Post,
Trichy.

2.The Secretary,
M.M.124 Karur Co-operative Housing
Society,
Rajiv Gandhi Nagar, Vengamedu,
Karur – 639 006.

3.The Sub Registrar (Joint I),
Sub Registrar, Collector Office Campus,
Thandhondrimalai, Karur – 639 005.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records pertaining to the impugned orders passed by the first respondent in C.E.P No.1/2016-2017/Na.Ka.No.532/2016/Sa.Pa(2) dated 28.06.2016 and quash the same.



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For Petitioner : Mr.K.Bharathi Kannan

For Respondents : Mr.M.Lingadurai,
Special Government Pleader

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ORDER

Heard both sides.

2.The petitioner was the President of the second respondent society during the period from 2013-2015. During his tenure, substantial misappropriation had taken place. It appears that the misappropriation was committed by the Secretary, Clerk and others. That led to the enquiry under Section 81 of the Tamil Nadu Cooperative Societies Act, 198. The petitioner's property came to be attached. In fact, the petitioner's father's property was also attached. The petitioner's father filed WP(MD)No.1355 of 2023 and it was allowed on 04.03.2024. The learned counsel for the petitioner points out that four out of the five items were attached. It is stated that even though more than nine years have elapsed, surcharge proceedings have not been initiated. It is to be noted that I had made an observation in WP(MD)No.1355 of 2023 itself that



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the enquiry report made under Section 81 of the Act does not appear to indict the petitioner. The attachment order was set aside by me.

3.In this view of the matter, the order impugned in this writ petition is set aside. This writ petition is allowed. No costs. Connected miscellaneous petitions are closed.

26.03.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
Skm

To:-

- 1.The Regional Deputy Registrar (Housing),
Samathu Palli Street, Kajamalai Post, Trichy.
- 2.The Secretary,
M.M.124 Karur Co-operative Housing Society,
Rajiv Gandhi Nagar, Vengamedu, Karur – 639 006.
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G.R.SWAMINATHAN, J.

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