



W.P(MD)No.22174 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.06.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.22174 of 2022

and

W.M.P.(MD)No.16350 of 2022

S.Sairam

... Petitioner

Vs.

1.The Joint Registrar of Cooperative Societies,
Kanyakumari Division, Nagercoil.

2.The Deputy Registrar of Co-Operative Societies,
Nagercoil.

3.The President,
Y.48, Mylaudi Primary Agriculture
Co-Operative Society,
Mylaudi, Kanyakumari District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records of the predated impugned demand notice in Form 6 passed by the 2nd respondent in No. Nil, dated 22.08.2022 and served on 12.09.2022, quash the same as illegal.



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For Petitioner : No appearance

For Respondents : Mr.K.S.Selvaganesan,
Addl. Government Pleader for R1 & R2.
Mr.R.Maheswarn for R3.

ORDER

No representation for the petitioner. Heard the learned Additional Government Pleader for the respondents 1 and 2 and the learned counsel for the third respondent.

2.The petitioner challenges the impugned demand notice calling upon the petitioner to pay the amount covered by the surcharge order. The petitioner has to necessarily obtain the relief only in the pending civil miscellaneous appeal which has filed before the Cooperative Tribunal. The question of parallelly invoking the writ jurisdiction does not arise at all. It is seen that the office bearers of the society have filed C.M.A.(CS)Nos.7, 8 and 9 of 2021 before the Principal District Court, Cooperative Tribunal questioning the order of surcharge proceedings. The learned Principal District Judge, Kanyakumari at Nagercoil is requested to dispose of the aforesaid appeals on merits and in accordance with law within a period of three months from the date of receipt of a copy of this order.



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3.This writ petition is dismissed with the aforesaid direction. No costs.

Consequently, connected miscellaneous petition is closed.

26.06.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:-

- 1.The Joint Registrar of Cooperative Societies,
Kanyakumari Division, Nagercoil.
- 2.The Deputy Registrar of Co-Operative Societies,
Nagercoil.
- 3.The President,
Y.48, Mylaudi Primary Agriculture
Co-Operative Society,
Mylaudi, Kanyakumari District.

Copy to:

The Principal District Court,
Cooperative Tribunal,
Kanyakumari at Nagercoil.



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G.R.SWAMINATHAN, J.

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