



W.P(MD)No.25836 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.25836 of 2022

and

W.M.P.(MD)No.19962 of 2022

S.Muthaiah

... Petitioner

Vs.

1.The Deputy Registrar of Co-Operative Societies,
3rd Floor, Collector Office New Building,
Nagercoil, Kanyakumari District.

2.Y-48 Mylaudy Primary Agricultural
Co-Operative Credit Society Ltd.,
Rep by its Secretary,
Mylaudy and Post,
Agustheeswaram Taluk,
Kanyakumari District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for records relating to the impugned sale notice issued by the 1st respondent in E.P.1/2022-2023 dated 22.08.2022 and quash the same as illegal and consequently direct the 1st respondent to pass orders on the objection dated 19.09.2022 submitted by petitioner as per Rule 135 of the Tamil Nadu Co-operative Societies Rules, 1988 within the period that may be stipulated by this Court.



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For Petitioner : M.E.Ilango

For Respondents : Mr.K.S.Selvaganesan,
Addl. Government Pleader.

ORDER

Heard both sides.

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 Deputy Registrar of Co-Operative Societies,
3rd Floor, Collector Office New Building,
Nagercoil, Kanyakumari District.

2.The Secretary,
Y-48 Mylaudy Primary Agricultural
Co-Operative Credit Society Ltd.,
Mylaudy and Post,
Agustheeswaram Taluk,
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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