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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Special Original Jurisdiction)

Wednesday, the Eighteenth day of December Two Thousand and Twenty Four

PRESENT:

The HONOURABLE MR.JUSTICE N.SATHISH KUMAR

WMP(MD)No.22934 of 2024

in

WP(MD)No.24523 of 2024

G.Subburathinam

... Petitioner/Petitioner.

Vs

1.The Deputy Registrar of Cooperative Societies
Palani Circle
11/223 Raja Nagar, Lakshmipuram,
Palani, Dindigul District.

2.The President
D.D.646 Kulathur Primary Agricultural
Cooperative Credit Society Limited
Kulathur, Dindigul District.

... Respondents/Respondents.

Prayer in WMP(MD)No.22934 of 2024:-

Writ Miscellaneous Petition filed under Article 226 of the Constitution of India, to set aside the order of dismissal dated 19.10.2024 in W.P.(MD) No.24523 of 2024 and restore the writ petition for further adjudication, and thus render justice.



Prayer in WP(MD)No.24523 of 2024:-

Writ Petition filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Mandamus, directing the 1st respondent to receive the surcharge amount of Rs. 1,46,235/- from the petitioner by waiving the interest portion of 18 percent or by modifying the interest portion in Tha.Va.No. 15/2019 Sa. Pa dated 04.02.2020 and consequently direct the 1st respondent to raise the attachment and drop further proceedings of sale pertaining to property in S.F.No. 298 with an extent of 1869 3/4 sq. ft in Plot No. 12 situated at Seelapadi Revenue Village, Dindigul Joint Sub-Registration, Dindigul District in E.P.No. 4/2020-21 on the file of the 1st respondent.

ORDER:- This Petition coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and the earlier order of this dated 19/10/2024, upon hearing the arguments of Mr.Rahman for Mr.E.Satheesh, Advocate for the Petitioner and of Mr.S.P.Maharajan, Special Government Pleader, on behalf of the first respondent, this Court made the following order:

This miscellaneous petition has been filed seeking to set aside the order of dismissal dated 19.10.2024 made in W.P.(MD) No.24523 of 2024 and to restore the writ petition for further adjudication.

2. Heard both sides.

3. Mr.P.Maharajan, learned Special Government Pleader has no serious objection in setting aside the order of dismissal dated 19.10.2024.

4. Having regard to the averments made in the affidavit filed in support of the miscellaneous petition and the facts and circumstances of the case, this



miscellaneous petition is ordered and the writ petition in W.P.(MD) No.24523 of 2024 is ordered to be restored to its file for disposal on merits after hearing both sides.

Sd/-

Assistant Registrar(CS I)

// True Copy //

/01/2025

Sub Assistant Registrar
(CS - I/ II / III /IV)

TO

1 .The Deputy Registrar of Cooperative Societies
Palani Circle
11/223 Raja Nagar, Lakshmipuram,
Palani, Dindigul District.

Copy to: The Section Officer,Writ Posting Section,
Madurai Bench of Madras High Court, Madurai.

+1 CC to Mr. Special Government Pleader, SR.No. 75939



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ORDER DATED : 18/12/2024

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ORDER

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WMP(MD)No.22934 of 2024
in
WP(MD)No.24523 of 2024

Giving direction and etc.
as stated within.

MK/28.01.2025 4P/4C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023