



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-07-2026

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THE HONOURABLE MR.JUSTICE K. SURENDER

**WP No. 21994 of 2022 and
WMP No.21023 of 2022**

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Petitioner

Vs

1. The Deputy Registrar
of Cooperative Societies,
Tindivanam Circle, Tindivanam,
Villupuram District.

2.The President
CL.SPL.131, Melarungunam Primary
Agricultural Cooperative Credit
Society, Melarungunam Village,
Anaiyeri Post 605 201,
Gingee Taluk, Villupuram District.

3.The Executive Officer of the
Registrar / Sale Officer,
O/o. Deputy Registrar of Cooperative
Societies, Tindivanam Circle,
Tindivanam, Villupuram District.

4.P.Senthamaraikannan

Respondents

PRAYER Writ Petition filed under Article 226 of the Constitution of India, seeking to issue a Writ of Certiorari, calling for the entire records relating to the impugned Demand Notice issued by the 3rd Respondent in Form No.6 in CEP No.15/ 2022- 23/ ARC No.1481/ 2020/ Sapa.1- 16.08.2021 dated 22.07.2022



and confiscation notice in Form No.2 in CEP No. 15/ 2022- 23/ ARC No. 1481/ 2020/ Sapa.1- 16.08.2021, dated 22.07.2022 issued by the 3rd Respondent and quash the same.

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For Petitioner: Mr.S.Sathiaseelan

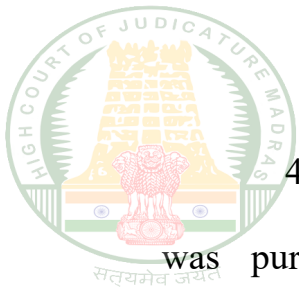
For Respondents: Mr.R.Chakkaravarthy,
Government Counsel
for R1 to R3
No appearance for R4

ORDER

Challenging the impugned demand notice dated 22.07.2022 issued on the petitioner whereby seeking auction of immovable property of the petitioner herein, the present writ petition has been filed.

2. The case of the petitioner is that she is the wife of the 4th respondent, who is alleged to have committed some irregularities in the Society during the year 2017. Pursuant to enquiry under Section 87 of the Tamil Nadu Co-operative Societies Act, 1983, surcharge order was passed against the 4th respondent on 16.08.2021.

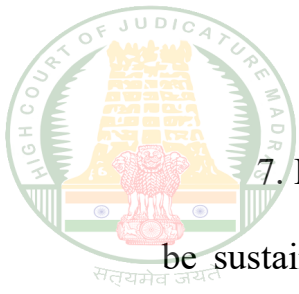
3. It is not in dispute that neither the petitioner was a party to the surcharge proceedings nor was put on notice in any manner whatsoever. However, the impugned demand notice for attachment was issued to the petitioner who is the wife of the 4th respondent. Hence, this writ petition.



4. The learned counsel for the petitioner would submit that the property was purchased in the year 2002 by the petitioner and the alleged misappropriation was during the year 2017. The petitioner was not a party to any proceedings and she was not put on notice at any point of time, before the impugned demand notice was issued. In the absence of the petitioner being a party either in the surcharge proceedings or in any other proceedings whatsoever, the question of attaching her property, does not arise.

5. The learned counsel for the respondents 1 to 3 would submit that under Rule 135 of the Tamil Nadu Co-operative Societies Rules, 1988, the petitioner can approach the Sale Officer and object to the attachment to the sale of the property. Once such a claim is made under the said Rule, the Sale Officer has to investigate on the objection raised and dispose it of on merits.

6. In reply the learned counsel for the petitioner would submit that the impugned notice was issued under Rules 119 and 126 of the Tamil Nadu Co-operative Societies Rules, 1988. Under Rule 119, an application may be moved against the Judgment Debtor. However it is not in dispute that the petitioner is not a Judgment Debtor or has suffered any decree or order in any manner whatsoever.



7. In view of the same, the impugned notice issued under Rule 119 cannot be sustained. Moreover, under Section 144 of the Tamil Nadu Co-operative Societies Act, 1983, the Act of recovery can be made against any member or past member or deceased family member by sale of property.

8. As already stated, the property was purchased by the petitioner way back in the year 2002, as such the question of attaching the property of the petitioner when she is not a party to any proceedings, is illegal. Therefore, the impugned notice, dated 22.07.2022 issued under Rules 119 and 126 deserves to be quashed and accordingly the same is hereby quashed. However, it is left open to the Respondents to proceed for recovery in accordance with procedure prescribed by law.

9. In the result, the writ petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

K. SURENDER,J.

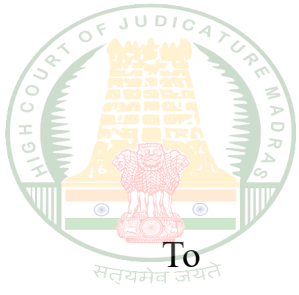
20-07-2026

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Index:Yes/No

Speaking/Non-speaking order

Neutral Citation:Yes/No



To

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Circle, Tindivanam , Villupuram
District

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