



W.P(MD)Nos.10167 of 2018 and 4396 of 2019

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.07.2026

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P(MD)Nos.10167 of 2018 and 4396 of 2019

and

WMP (MD) Nos.9218 & 9219 of 2018, 3498 & 14400 of 2019

M.Valliammai

... Petitioner(s)

VS.

1. The Registrar Of Co-Operative Societies, (Housing)
Tamilnadu Co-Operative Federation
Complex - second Floor Ritherdan Road -
Vepery, Chennai - 07..

2. The Deputy Registrar (Housing),
D.D.Salai, Maninagarm,
Virudhunagar District.

3. The President,
A-1321, Karaikudi Co-Op House Building Society,
Soodamanipuram, Karaikudi,
Sivagangai District.



W.P(MD)Nos.10167 of 2018 and 4396 of 2019

WEB COPY

4. D.Paramanandhan,
S/o.Duraisamy, No.6, Kannadasan Nagar,
Soodamanipuram, Karaikudi,
Sivagangai District.

5. Mr.K.M.Velliangiri,
Registrar of Co-Operative Societies,
(Housing) Tamilnadu Co-Operative
Federation Complex - second Floor
Ritherdan Road - Vepery
Chennai – 07.

... Respondent(s)

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari call for the records from the file of the Respondents herein in No.RC.No.185/2018/Sa.Pa.1, dated 16.3.2018 issued by the first Respondent and to quash the same.

For Petitioner : Mr.V.Meenakshi Sundaram
for Mr. R.Thirumalai

For R1 & R2 : Mr.M.Mahaboob Athiff, Counsel for State
For R3 to R5 : No appearance

WP(MD) No.4396 of 2019

M.Valliammai

... Petitioner(s)

vs.

2/10



W.P(MD)Nos.10167 of 2018 and 4396 of 2019

WEB COPY

1. The Registrar of Co-Operative,
Societies(Housing)
Tamil Nadu Co-Operative Federation Complex
second Floor,
Rithedan Road, Vepery, Chennai-7.

2. The Deputy Registrar (Housin,
G), D.D.Salai, Maninagaram,
Virudhunagar District.

3. The President,
A-1321, Karaikudi Co-Op, House Building
Society, Subramaniapuram, Karaikudi,
Sivagangai District.

4. The No.2 Joint Sub-Registrar,
O/o. No.2, Joint Sub-Registrar,
Karaikudi..

5. The Tahsildhar,,
Karaikudi, Sivagangai District.

6. The Commissioner,,
Karaikudi Municipality, Karaikudi,
Sivagangai District.

7. The Assistant Engineer,,
Tangedco, Karaikudi, Sivagangai District.

8. D.Paramanandhan, S/o.Duraisa,
My, No.6, Kannadasan Nagar,
Soodamanipuram, Karaikudi, Sivagangai
District.

... Respondent(s)



W.P(MD)Nos.10167 of 2018 and 4396 of 2019

WEB COPY

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 impugned Deed of Cancellation No.2/2018 dated 16.03.2018 which was registered on 11.04.2018 and Sale deed Doc.No. 2670/2018 dated 17.04.2018 registered by the fourth respondent herein and to quash the same being patently illegal and against the provisions of the Registration Act and during the subsistence of the Interim Order granted by this Honourable Court on 28.04.2018 in W.M.P(MD) No.9218/2018 in W.P.(MD).No.10167/2018

For Petitioner : Mr.V.Meenakshi Sundaram
for Mr. R.Thirumalai

For R1,R2,R4 & R5 : Mr.E.P.Venkateshwar, Standing Counsel
For R7 : Mr.S.Deenadhayalan, Standing Counsel
For R3 & R8 : No appearance

COMMON ORDER

Challenging the impugned cancellation order dated 16.03.2018, these writ petitions have been filed by the petitioner.

2. The case of the petitioner is that the third respondent-Co-operative Housing Society formed a residential layout in Sudamanipuram Village, Karaikudi, after obtaining the necessary approval and allotted house sites to its



W.P(MD)Nos.10167 of 2018 and 4396 of 2019

WEB COPY

members. The fourth respondent was a member of the said Society and was allotted Plot No.90 (New No.61) by allotment order dated 27.09.1984. As per Clause 5 of the allotment order, the allottee was required to construct a residential house within two years from the date of allotment. However, the fourth respondent failed to construct any building within the stipulated period. Subsequently, the fourth respondent addressed a letter to the Society requesting transfer of his membership and allotment in favour of the petitioner. Based on the said request, the third respondent-Society, by Resolution dated 19.04.1991, transferred the allotment in respect of Plot No.90 (New No.61) in favour of the petitioner and issued a fresh allotment order dated 25.04.1991. Upon receipt of the entire sale consideration, the Society executed a registered Sale Deed dated 31.05.1991, registered as Document No.1634 of 1991, on the file of the Sub Registrar, Karaikudi, in favour of the petitioner. Thereafter, the petitioner has been in peaceful possession and enjoyment of the property. He constructed a residential house, obtained electricity service connection, and has been paying the property tax and other statutory dues.



W.P(MD)Nos.10167 of 2018 and 4396 of 2019

WEB COPY

3. It is the further case of the petitioner that after nearly 23 years, the fourth respondent raised a dispute seeking cancellation of the allotment. The dispute was initially raised before the second respondent under Section 90 of the Tamil Nadu Co-operative Societies Act, 1983. The second respondent, on considering the matter, rejected the claim of the fourth respondent. Aggrieved thereby, the fourth respondent preferred an appeal before the first respondent, who, by the impugned order, cancelled the allotment as well as the Sale Deed executed in favour of the petitioner. Challenging the said order, the petitioner filed W.P.(MD) No.10167 of 2018 and obtained an order of interim stay.

4. It is further submitted that, despite the subsistence of the interim order granted by this Court, the Sub Registrar proceeded to register a Cancellation Deed. Challenging the registration of the Cancellation Deed, the petitioner filed W.P.(MD) No.4396 of 2019. Accordingly, both the writ petitions have been filed.

5. The learned counsel for the petitioner submitted that the fourth respondent had voluntarily surrendered his rights and consented for transfer of



W.P(MD)Nos.10167 of 2018 and 4396 of 2019

WEB COPY

the allotment in favour of the petitioner. After a lapse of two decades, the dispute raised under Section 90 of the Act itself was wholly without jurisdiction. Section 90 of the Tamil Nadu Co-operative Societies Act contemplates adjudication only of disputes touching the constitution, management or business of a registered society. The issue relating to cancellation of a registered Sale Deed executed in favour of the petitioner does not fall within the ambit of Section 90. Therefore, the first respondent lacked jurisdiction to entertain the appeal and cancel the allotment as well as the registered Sale Deed executed in the year 1991.

6. The learned Counsel for the State appearing for the official respondents fairly submitted that the second respondent had rightly rejected the dispute on the ground of lack of jurisdiction and that the first respondent had exceeded the jurisdiction vested under the Act while entertaining the appeal and passing the impugned order.

7. Having considered the rival submissions, this Court is of the view that the impugned order passed by the first respondent is wholly without jurisdiction and is liable to be set aside. Accordingly, the impugned order is set



W.P(MD)Nos.10167 of 2018 and 4396 of 2019

WEB COPY

aside and both the writ petitions are allowed. The Sub Registrar concerned is directed to restore the original entries standing in the name of the petitioner by cancelling the subsequent entries made pursuant to the impugned proceedings, if not already restored.

8. With the above directions, these writ petitions are allowed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

14.07.2026

NCC : Yes / No
Index : Yes / No
Internet : Yes
PKN



W.P(MD)Nos.10167 of 2018 and 4396 of 2019

WEB COPY

To

1. The Registrar of Co-Operative,
Societies(Housing)
Tamil Nadu Co-Operative Federation Complex
second Floor,
Rithedan Road, Vepery, Chennai-7.

2. The Deputy Registrar (HousinG), D.D.Salai, Maninagaram,
Virudhunagar District.

3. The President,
A-1321, Karaikudi Co-Op, House Building
Society, Subramaniapuram, Karaikudi,
Sivagangai District.

4. The No.2 Joint Sub-Registrar,
O/o. No.2, Joint Sub-Registrar,
Karaikudi..

5. The Tahsildhar,,
Karaikudi, Sivagangai District.

6. The Commissioner,,
Karaikudi Municipality, Karaikudi,
Sivagangai District.

7. The Assistant Engineer,,
Tangedco, Karaikudi, Sivagangai District.



WEB COPY



W.P(MD)Nos.10167 of 2018 and 4396 of 2019

M.DHANDAPANI,J.

PKN

**ORDER MADE IN
W.P(MD)Nos.10167 of 2018 and 4396 of 2019**

DATED : 14.07.2026

10/10