



W.P(MD)No.19013 of 2026

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.07.2026

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P(MD)No.19013 of 2026

and

WMP (MD) Nos.14038 & 14039 of 2026

M.Kannan

... Petitioner

Vs

1. The Deputy Registrar,
Co-Operative Societies,
Dindigul,
Dindigul District.

2. The Secretary,
A.2947 Thumbalapatti Paccs,
Nilakkottai Taluk,
Dindigul District.

3. The Sub Registrar,
Registration Department,
Batlagundu,
Dindigul District.

4. The Branch Manager,
Indusind Bank Limited,
Dindigul District.



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WEB COPY 5. Ramakrishnan

... 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 the records relating to the proceedings initiated by 1st respondent in C.E.P.No. 08/2022/23 dated 04.08.2022 and quash the same as illegal arbitrary consequently directed the 3rd respondent to release the attachment made on the property of the petitioner existing in Survey No. 61/3 Plat No. 11 situated at Kanavaipatti Village, Batlagundu, Sub Registration Nilakkottai Taluk, Dindigul District.

For Petitioner : Mr. R.Sevugaraja

For R1 to R3 : Mr.M.Mahaboob Athiff, Counsel for State

ORDER

Challenging the conditional attachment passed under Section 167(2) of the Tamil Nadu Cooperative Societies Act, 1983, by the first respondent, the present writ petition has been filed by the petitioner.

2. When the matter was taken up for hearing, learned counsel for the petitioner as well as the learned Counsel for the State submitted that the issue involved in this writ petition is too well settled by judgment of this Court in ***A.Balaraman v. The Deputy Registrar of Cooperative Societies***, reported in 208



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WEB COURT (6) CTC 304, wherein this Court held as follows:

*“6. Such principles have been explained by the Hon#ble Supreme Court in the case of **Titaghur Paper Mills Co. Ltd. Vs. State of Orissa** (AIR 1983 SC 603) and it is held as follows:-*

*“It is now well recognized that where a right or liability is created by a statute which gives a special remedy for enforcing it, the remedy provided by that statute only must be availed of. This rule was stated with great clarity by Willes, J. in **Wolverhampton New Waterworks Co. V. Hawkesford** (1859) 6 CBNS 336 at p.356 in the following passage:*

“There are three classes of cases in which a liability may be established founded upon statute.... But there is a third class, viz. where a liability not existing at common law is created by a statute which at the same time gives a special and particular remedy for enforcing it..... the remedy provided by the statute must be followed, and it is not competent to the party to pursue the course applicable to cases of the second class. The form given by the statute must be adopted and



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adhered to.”

*The rule laid down in this passage was approved by the House of Lords in **Neville V. London Express Newspapers Ltd.**, 1919 AC 368 and has been reaffirmed by the Privy Council in **Attorney-General of Trinidad and Tobago V. Gordon Grant & Co.**, 1935 AC 532 and **Secretary of State V.Mask & Co.**, AIR 1940 PC 105. It has also been held to be equally applicable to enforcement of rights, and has been followed by this Court throughout. The High Court was therefore justified in dismissing the writ petitions in limine.”*

7. In view of the well-settled legal principle, it is not possible for this Court to take a different view and go against the order passed by the learned Judge of the writ Court. We do not find any error in the judgment of the learned Judge of the writ Court. We make it clear that it is open to the petitioners to file an appeal before the Appellate Tribunal. Since, the Tribunal also has power to consider the prayer for interim protection; it is open to the petitioners to ask for such protection. However, we do not say anything on the merits of the case of the petitioners. We also make it clear that if the Appellate Authority is approached within ten days from the receipt of a copy of this order, the Appellate Authority shall entertain the



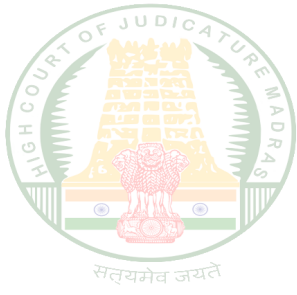
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WEB COPY *appeal on file without insisting on the question of limitation since the matter was kept pending in this Court. With these observations, the writ appeal is disposed of. We have not decided anything on merit. All questions are kept open. Consequently, connected miscellaneous petitions are closed. However, there shall be no order as to costs."*

3. In view of the same, this writ petition stands disposed of by granting liberty to the petitioner to approach the Appellate Authority within a period of two weeks from the date of receipt of a copy of this order. The Appellate Authority shall entertain the appeal without insisting on the question of limitation for the period during which the matter remained pending before this Court. No costs. Consequently, the connected miscellaneous petitions are closed.

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NCC : Yes / No
Index : Yes / No
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M.DHANDAPANI, J.

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