



W.P(MD)No.19007 of 2026

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.07.2026

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P(MD)No.19007 of 2026

and

W.M.P.(MD).No.14033 of 2026

1.P.Kandasamy

2.P.Angammal

3.P.Muniyasamy

4.P.Murugesan

5.P.Muthuramalingam

6.P.Sivajeyameenakshmi

... Petitioners

Vs

1.The Joint-Registrar of Co-Operative Societies,
Collectorate Campus, Ramanathapuram,
Ramanathapuram District.

2.The Deputy Registrar of Co-Operative Societies / Sales Officer,
Paramakudi,
Ramanathapuram District.



WEB COPY 3.P.Sasi @ Chandran

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... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for records in respect of the impugned sale notification published in Thinathanthi daily newspaper dated 23.06.2026 by the second respondent and to quash the same as illegal and arbitrary and further to direct the respondent Nos.1 and 2 to remove the attachment of properties in Survey Nos.277/5B, 279/1C, 269/3, 270/2A 267/2D, 273/12 and 281/17 situated in Peivillikadambankulam Village, Oruvanthenthal Group, Kadaladi Taluk, Ramanathapuram District.

For Petitioners : Mr.KC.Ramalingam

For R-1 & R-2 : Mr.R.Ramasamy, Counsel for State

ORDER

This Writ Petition has been filed challenging the impugned sale notification published in Thinathanthi daily newspaper dated 23.06.2026 by the second respondent and to quash the same as illegal and arbitrary and further to direct the respondent Nos.1 and 2 to remove the attachment of properties in Survey Nos. 277/5B, 279/1C, 269/3, 270/2A 267/2D, 273/12 and 281/17 situated in Peivillikadambankulam Village, Oruvanthenthal Group, Kadaladi Taluk, Ramanathapuram District.



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WEB COPY 2. Heard Mr.K.C.Ramalingam, learned counsel for the petitioners and Mr.R.Ramasamy, learned counsel for State takes notice for respondent Nos.1 and 2.

3. Since no adverse order is going to be passed against the third respondent, notice to him is dispensed with.

4. The learned counsel appearing for the petitioners submitted that the petitioner Nos.1, 3, 4, 5, 6, the second petitioner is the wife and the third respondent are the children of one Pachamal Thevar and are co-sharers in the subject properties, which are ancestral properties. According to the petitioner, the third respondent was employed in a Co-operative Society and surcharge proceedings were initiated against him under Section 87 of the Tamil Nadu Co-operative Societies Act, 1983, alleging misappropriation of the Society's funds. As the surcharge amount remained unpaid, respondent Nos.1 and 2 proceeded to attach the properties and thereafter issued the impugned sale notification.



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WEB COPY 5. The learned counsel further submitted that though the revenue records presently stand in the name of the third respondent, the petitioners have independent shares in the ancestral properties. Claiming partition and separate possession of his share, the petitioners have already instituted a suit in O.S.No.26 of 2026 on the file of the Sub Court, Mudukulathur, seeking partition and mesne profits. The said suit is pending adjudication.

6. It is the specific contention of the petitioners that under the provisions of the Tamil Nadu Co-operative Societies Act, the authorities are entitled to proceed only against the property belonging to the defaulting member. They cannot bring to sale the undivided ancestral property so as to affect the rights of other co-sharers who are neither members of the Society nor parties to the surcharge proceedings. Therefore, the impugned sale notification is liable to be interfered with.

7. Per contra, the learned Counsel for State appearing for respondent Nos.1 and 2 submitted that the attachment was effected since the revenue records stand in the name of the third respondent, against whom the surcharge proceedings had



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attained finality. However, he fairly submitted that respondent Nos.1 and 2 have no serious objection for keeping the attachment in force till the disposal of O.S.No.26 of 2026 pending before the Sub Court, Mudukulathur. After the civil Court determines the respective shares of the parties, the respondents may proceed only against the share that may ultimately fall to the third respondent in accordance with law.

8. I have considered the rival submissions and perused the materials placed before this Court.

9. It is not in dispute that surcharge proceedings were initiated against the third respondent under Section 87 of the Tamil Nadu Co-operative Societies Act on allegations of misappropriation and that the amount determined under the surcharge proceedings has not been paid. Consequently, the respondents attached the properties standing in the name of the third respondent and issued the impugned sale notification.

10. However, the petitioner claims that the subject properties are ancestral properties and that he is entitled to an undivided share therein. The petitioner has



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already instituted O.S.No.26 of 2026 before the Sub Court, Mudukulathur, seeking partition and separate possession of his share. The rights of the parties in respect of the suit properties are therefore yet to be adjudicated by the competent Civil Court.

11. If the respondents are permitted to proceed with the auction during the pendency of the partition suit, it would seriously prejudice the rights claimed by the petitioners, who is admittedly not a member of the Co-operative Society and against whom no surcharge proceedings have been initiated. Until the Civil Court determines the respective shares of the parties, the respondents cannot proceed to sell the entire property as though it exclusively belongs to the third respondent.

12. At the same time, the interests of the Co-operative Society are also required to be protected. Therefore, while the sale notification cannot be sustained at this stage, the order of attachment need not be interfered with and the same shall continue till the disposal of the partition suit.



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WEB COPY13. Accordingly, the impugned sale notification published in the Dina Thanthi daily dated 23.06.2026 is set aside. However, the attachment over the subject properties shall continue till the disposal of O.S.No.26 of 2026 pending on the file of the Sub Court, Mudukulathur.

14. The Sub Court, Mudukulathur, is directed to dispose of O.S.No.26 of 2026 as expeditiously as possible.

15. It is made clear that after the disposal of the said suit, respondent Nos.1 and 2 are at liberty to proceed against the share, if any, allotted to the third respondent in the final decree proceedings, in accordance with law, for recovery of the surcharge amount.

16. It is also open to respondent Nos.1 and 2 to work out their remedies before the competent Civil Court, including filing appropriate applications in the pending partition suit, if so advised, for safeguarding the interests of the Co-operative Society.



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WEB COPY 17. With the above directions, this Writ Petition stands allowed. There shall be no order as to costs. Consequently, the connected miscellaneous petitions are closed.

07.07.2026

NCC : Yes / No
Index : Yes / No
TSG
To

- 1.The Joint-Registrar of Co-Operative Societies,
Collectorate Campus, Ramanathapuram,
Ramanathapuram District.
- 2.The Deputy Registrar of Co-Operative Societies / Sales Officer,
Paramakudi,
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M.DHANDAPANI, J.

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