

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17-07-2026

CORAM

THE HON'BLE MR JUSTICE C.V. KARTHIKEYAN

AND

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

WA(MD) No. 1011 of 2026

and

C.M.P.(MD)No.9089 of 2026

The Deputy Registrar of
Cooperative Societies,
Nagercoil.

..Petitioner(s)

Vs

1. K.Rajalingam,
2. S. Sairam
3. Y.48 Mylaudi Primary Agriculture
Co operative Society
Mylaudi Post, Agastheswaram Taluk,
Kanyakumari District.

..Respondent(s)

Writ Appeal filed under Clause 15 of Letters Patent, praying to prefer this Memorandum of Grounds of Writ Appeal against the order passed in W.P.(MD) No.16777 of 2025 dated 26.06.2025.

For Petitioner(s):

Mr.S.I.Muthiah
Counsel for the State

For Respondent(s):

Mr.K.Vinoharan (R1)
M/s.Spicy Law Firm
Mr.r.Maheswaran (R3)



JUDGMENT

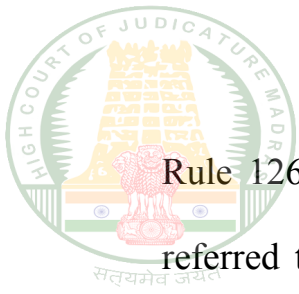
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(Judgment of the Court was delivered by C.V.Karthikeyan J.)

The first respondent herein had filed W.P.(MD)No.16777 of 2025 in the nature of a Certiorarified Mandamus seeking to call for the records relating to an auction sale notice, which had been issued under Rule 126 of the Tamil Nadu Cooperative Society Rules, 1988 in EP No.1/2022 - 23 dated 14.05.2025 by the Deputy Registrar of Cooperative Societies at Nagercoil and quash the same.

2.It had been contended that the second respondent in the writ petition, who is also the second respondent herein, was an erstwhile President of the third respondent / Mylaudi Primary Agriculture Cooperative Society at Agastheeswaram Taluk, Kanyakumari District and while functioning as such, there were allegations that he had misappropriated the Society funds. Surcharge proceedings had been initiated against him. His property was sought to be attached. Just about 20 days prior to that, it is claimed that he had sold the property to the writ petitioner, who is the first respondent herein. It is further claimed that they both are close relatives.

3.In order to secure the amount said to have been misappropriated, the appellant herein, the Deputy Registrar of Co-Operative Societies had invoked



Rule 126 of the Tamil Nadu Co-operative Societies Rules, 1988 (hereinafter referred to as 'Rules') and had attached the said property. Questioning such attachment, the writ petitioner had preferred a claim petition under Rule 135 (1) of the Rules. Since no effective orders had been passed, he had filed a writ petition seeking to quash the attachment and alternatively for disposal of the claim petition filed under Rule 135 (1) of the Rules, which was pending adjudication.

4.The learned Single Judge however had stated that there are disputed facts and therefore, directed that a suit alone should be filed invoking appropriate proceedings under section 53 of the Transfer of Property Act 1882.

5.It is to be noted that the Tamil Nadu Co-operative Societies Act and the Rules thereunder are inbuilt provisions and for each and every order passed by the authorities, there is an inbuilt relief /appellate procedure available. After orders are passed under Rule 135 of the Rules, there is also an appeal provision under Section 152 of the said Act. The alternative remedies available under the said enactment will have to be first exhausted before the parties could be directed to go before the civil Court.

6.In view of the said reasons, we would interfere with the order of the learned Single Judge and set aside the observation and the directions therein but



rather we would issue a direction to the appellant / Deputy Registrar of Co-operative Societies, Nagercoil before whom the claim petition under Rule 135 (1) of the Rules filed by the first respondent / writ petitioner is pending, to dispose of the same within a period of six weeks from the date of receipt of a copy of this order. The third respondent herein shall furnish all relevant records as and when they are called for by the appellant, if not already furnished, to enable the appellant to dispose of the claim petition filed under Rule 135 (1) of the Rules. Until the orders are passed as directed by this Court, the notice to bring the property for auction may be kept in abeyance.

7. This writ appeal stands allowed. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

(C.V.K.,J.) (R.S.V.,J.)
17-07-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

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**C.V.KARTHIKEYAN, J.
AND
R.SAKTHIVEL, J.**

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