



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.01.2022

CORAM :

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.NO.1195 OF 2022

Mrs.G.Selvi

...Petitioner

Vs.

1.Deputy Registrar of Co-operative Societies,  
Mathuranthagam Division,  
No.50, Hospital Road,  
Kancheepuram - 603 306.

2.The Management,  
Villivakkam Primary Agriculture Co-operative Credit Society,  
Mariyamman Kovil Street, Villivakkam Village  
Chunammedu Post  
Cheyyur Taluk  
Kancheepuram - 603 401.

3.Sub-Registrar  
Office of the SRO Seiyur  
Registration Department  
Mathuranthagam Taluk,  
Chengalpet District.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order dated 29.10.2020 in Ref.No.Na.ka.No.1729/2020/A3 passed by the First respondent in surcharge proceedings and quash the impugned order and to issue direction to the First and third respondent to raise the attachment made in pursuant to the impugned order and consequently remove the entries of attachment in the Records of the third respondent.

For Petitioner : Mr.R.Manickavel

For R1 and R2 : Mrs.S.Anitha  
Special Government Pleader  
[Co-operatives]

For R3 : Mr.R.Kumaravel  
Additional Government Pleader



## ORDER

The petitioner states that her late husband Gajendran was working as a Secretary in the 2<sup>nd</sup> respondent / Co-operative Society and he died on 01.08.2019. The husband of the petitioner rendered 26 years of service in the Co-operative Society. However, certain irregularities in dealing with the funds of the Co-operative Society is traced out and surcharge proceedings were initiated under the provisions of the Tamil Nadu Co-operative Societies Act, 1983 (hereinafter referred to as 'the Act'). The surcharge proceedings were concluded and challenging the order passed by the competent authority, the petitioner preferred a Civil Miscellaneous Appeal before the Special Co-operative Tribunal under Section 152 of the Act in C.M.A.Nos.7, 8 and 11 of 2021 on the file of the Principle District Court, Chengalpet. In respect of subject properties, the Deputy Registrar of Co-operative Societies, who is the competent authority, issued an order of attachment in proceedings dated 29.10.2020. The said order of attachment is under challenge in the present writ petition.

2. After 1½ years from the date of passing of the orders, admittedly, surcharge orders were passed against the petitioner and the petitioner preferred Civil Miscellaneous Appeal under Section 152 of the Act before the Principal District Court, Chengalpet and in respect of the attachment of the property also, the petitioner has to seek appropriate remedy before the Principal District Court / Special Co-operative Tribunal for the redressal of her grievances. Contrarily, the High Court cannot entertain a writ petition under Article 226 of the Constitution of India, as the Co-operative Societies Act provides remedy.

3. Further, the Miscellaneous Appeals filed by the petitioner is pending. Under these circumstances, the petitioner is at liberty to approach the Principal District Court / Special Co-operative Tribunal for redressal of her grievances in the manner known to law.

4. With this liberty, the Writ Petition stands disposed of. No costs.

Sd/-  
Assistant Registrar(CS-IX)

// True Copy //

Sub Assistant Registrar

Jeni/RR



To

1. The Deputy Registrar of Co-operative Societies,  
Mathuranthagam Division,  
No.50, Hospital Road,  
Kancheepuram - 603 306.

2. The Management,  
Villivakkam Primary Agriculture Co-operative Credit Society,  
Mariyamman Kovil Street, Villivakkam Village,  
Chunammedu Post,  
Cheyyur Taluk,  
Kancheepuram - 603 401.

3. The Sub-Registrar,  
Office of the SRO Seiyur  
Registration Department,  
Mathuranthagam Taluk,  
Chengalpet District.

+1cc to Mr.R.Manickavel, Advocate Sr.No.5038

+1cc to the Government Pleader Sr.No.5649

W.P.No.1195 of 2022

SV(CO)  
RVM(10/02/2022)