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W.P.No.17982 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.09.2023

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THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P No.17982 of 2023

and

WMP.Nos.17139 & 17140 of 2023

T.Manimegalai

...Petitioner

Vs.

- 1.The Joint Registrar / Managing Director,
Villupuram District Central Cooperative Bank,
Trichy Main Road,
Villupuram, Villupuram District.
- 2.The Deputy Registrar of Cooperative Societies,
Villupuram Circle, Villupuram,
Villupuram District.
- 3.The President,
CL.SPL 71, Chinnathachur Primary Agricultural
Cooperative Credit Society,
Chinnathachur,
Vikravandi Taluk,
Villupuram District.

...Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the entire records relating to the impugned order passed by the first respondent in his proceedings Na.Ka.No.11094/2022/C-5, dated 01.12.2022 and quash the same.

For Petitioner : Mr.C.Prakasam

For Respondents : Mr.P.Anandha Kumar for R1 & R2
Government Advocate

Mr.M.R.Gokul Krishnan
Additional Government Pleader for R3

ORDER

This Writ Petition is filed by the petitioner challenging the order passed by the first respondent directing the freezing of bank accounts standing in the name of secretary of the third respondent's society.

2. The learned counsel appearing for the petitioner submitted that husband of the petitioner was working as secretary in the third respondent's



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society and a surcharge proceedings were initiated against him under Section 87 of the Tamil Nadu Co-operative Societies Act. Thereafter, the impugned order has been passed directing the freezing of accounts standing in the name of the petitioner.

3. It is the specific case of the petitioner that due to the impugned order passed by the first respondent, the petitioner is not in a position to operate her bank accounts and locker etc., in the town branch, Villupuram.

4. In the counter affidavit filed by the second respondent it is stated that only SB account, recurring deposit, fixed deposit and safety locker maintained by the petitioner and her husband jointly are freezed by the impugned order.

5. The learned Additional Government Pleader appearing for the third respondent submitted that the accounts stand in the individual name of the petitioner has not been freezed by respondent in pursuance of the impugned order. It is further stated by the learned Additional Government Pleader that if the petitioner is aggrieved by any attachment order passed by



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the respondent, it is open to him to file an appropriate application under Rule 135 of the Tamil Nadu Co-operative Societies Rules.

6. Though the petitioner in his affidavit has stated that the petitioner is not in a position to operate the accounts standing in her name, the respondents have taken a definite stand in the counter that the accounts stand in the individual name of the petitioner are not freezed, only the account stands in the joint name of petitioner and her husband have been freezed. When the accounts stand in the joint name of two persons, it may not be possible for this Court to come to the conclusion who deposited the amount and whether the petitioner is exclusively entitled to the amounts lying in the account. Therefore, the petitioner has to establish her exclusive rights in the respect of the amount lying jointly before the appropriate Forum.

7. In such circumstances, the petitioner is given liberty to file appropriate application under Rule 135 of the Tamil Nadu Co-operative Society Rules for raising of attachment in respect of the accounts which are freezed by the respondents.



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8. With the above observations, this Writ Petition is disposed of with liberty as stated above. No costs. Consequently, connected Miscellaneous Petitions are closed.

15.09.2023
(1/2)

Index : Yes/No
Internet : Yes/No
Neutral Citation Case : Yes/No
dna

To

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S.SOUNTHAR, J.
dna

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