



W.P.No.18661 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.08.2023

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.18661 of 2023
and W.M.P.Nos.17900 and 17901 of 2023

1.J.Dinakaran

2.J.Sokkanathan

... Petitioners

VS.

1.The Deputy Registrar of Cooperative Societies,
Villupuram Circle, Villupuram, Villupuram District.

2.The President,
CL.SPL 71, Chinnathachur Primary
Agricultural Cooperative Credit Society,
Chinnathachur, Vikravandi Taluk,
Villupuram District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the entire records relating to the impugned conditional attachment order passed by the 1st respondent in his proceedings CEP.No.5/2022-23/4550/2022/Thovesa, dated 01.12.2022 and quash the same.

For Petitioners : Ms.R.Hemalatha
for Mr.C.Prakasam

For Respondents : Mr.P.Anandakumar
Government Advocate

ORDER



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The writ petition is filed challenging the order passed by 1st respondent calling upon one J.Saravanan brother of the petitioners to furnish security for a sum of Rs.60,00,000/- to satisfy any decree or award likely to be passed in an Arbitration Proceedings initiated against him.

2. The petitioners are brothers of said J.Saravanan, against whom the impugned order was passed. It is the case of the petitioners that the property, which is sought to be attached is a joint family property and the petitioners have got 2/4 shares in the said property and the same is not exclusively belonging to their brother namely J.Saravanan.

3. Mr.P.Anandakumar, learned Government Advocate appearing for the respondents submits that the petitioners have challenged only the notice to furnish security. Subsequently, an order was passed attaching the property and the same has not been challenged by the petitioners.

4. The writ petition is filed mainly on the ground that one J.Saravanan, against whom the arbitration proceedings are initiated by the 2nd respondent/Society is not exclusive owner of the property which is sought



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to be attached. The petitioners claim that they have got 2/4 shares.

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5. In such case, it is open to the petitioners to file an application for raising of attachment by invoking Rule 135 of the Tamil Nadu Co-operative Societies Rules, 1988 before the 1st respondent. The petitioners are permitted to file such a claim petition before the 1st respondent within a period of two weeks from the date of receipt of copy of this order. If any such petition is filed, the same shall be considered and orders shall be passed by 1st respondent in accordance with law. It is also made clear that the respondents are not entitled to bring the attached property for sale without considering the claim made by the petitioners.

6. With these observations, the writ petition stands disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

23.08.2023
(2/2)

Index : Yes/No
Speaking order: Yes/No
Neutral Citation: Yes/No
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To



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S.SOUNTHAR, J.

dm

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