



W.P.No.22387 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.08.2023

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.22387 of 2022
and
W.M.P.Nos.21442 & 27983 of 2022

Rajathilagam

... Petitioner

VS.

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

2.The President,
R.1429, T.Palur Panchayat Union Employees
and Teachers Cooperative Thrift and
Credit Society, T.Palur Post – 612 904,
Udayarpalayam Taluk, Ariyalur District.

3.The Field Officer / Cooperative Sub Registrar,
R.1429, T.Palur Panchayat Union Employees
and Teachers Cooperative Thrift and
Credit Society, T.Palur Post – 612 904,
Udayarpalayam Taluk, Ariyalur District.

4.G.Sekar

... Respondents



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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 order passed by the 1st respondent in his proceedings Na.Ka.No.2166/2019/SaPa – C.E.P.No.12/2019-20, dated 25.07.2022 and quash the same.

For Petitioner : Mr.C.Prakasam

For R1 to R3 : Mr.R.U.Dinesh Raj Kumar
Additional Government Pleader

ORDER

The writ petition is filed challenging the impugned communication of the 1st respondent dated 25.07.2022 directing the petitioner to pay the outstanding amount as per the surcharge order passed against her husband.

2. It is the case of the petitioner that her husband suffered surcharge order and challenging the same, he filed an appeal in CMA CS.No.1 of 2019 on the file of District Court, Ariyalur and the same is pending. It is stated by the petitioner that the property in question was purchased by her by selling



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her jewels in the year 2002 and without considering the fact that the property purchased out of petitioner's own resources, the 1st respondent wrongly attached the property of the petitioner in execution of the surcharge order passed against her husband.

3. A perusal of the impugned order would suggest that the attachment of the property was made by order dated 19.03.2009 and the same has not been challenged by the petitioner. The impugned order is only a consequential communication directing the petitioner's husband to pay the outstanding amount and in case of his failure, a further proceedings will be taken for bringing the property for sale.

4. The petitioner is not entitled to challenge the consequential communication without challenging the attachment order passed by the Competent Authority. Even in case of attachment order, the petitioner has an alternative remedy to file claim petition under Rule 135 of the Tamil Nadu Co-operative Societies Rules, 1988 framed under the main Act.



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5. In such circumstances, I do not find any reason to interfere with the impugned communication issued by the 1st respondent and consequently, the writ petition is dismissed with liberty to the petitioner to challenge the attachment order by filing claim petition under Rule 135 of the Tamil Nadu Co-operative Societies Rules, 1988. No costs. Consequently, the connected miscellaneous petitions are closed.

11.08.2023

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



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To

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S.SOUNTHAR, J.

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