



W.A.No.2764 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.10.2023

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE
AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

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Rajathilagam

.. Appellant

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

PRAYER: Appeal under Clause 15 of the Letters Patent against the



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order dated 11.08.2023 passed by the learned Single Judge in
W.P.No.22387 of 2022.

For the Appellant : Mr.C.Prakasam

For the Respondents : Mr.P.Muthukumar
State Government Pleader
assisted by
Mrs.R.Anitha
Spl. Government Pleader
for respondent Nos.1 to 3

JUDGMENT
(Delivered by the Hon'ble Chief Justice)

We have heard Mr.C.Prakasam, learned counsel for the appellant; and, Mr.P.Muthukumar, learned State Government Pleader, assisted by Mrs.R.Anitha, learned Special Government Pleader for respondents 1 to 3.

2. Learned counsel for the appellant submits that the present appellant was never served with a copy of the order of attachment. The surcharge order was served upon the appellant.



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As such, the appellant challenged the same. The property in question is a self-acquired property of the appellant. The same is wrongly attached in execution of the surcharge order passed against her husband.

3. The learned Single Judge has observed that the appellant has not challenged the order of attachment dated 19.3.2009 and has only challenged the consequential order. It has been further observed that against the order of attachment, the appellant has a remedy to file claim petition under Rule 135 of the Tamil Nadu Co-operative Societies Rules, 1988.

4. The learned Single Judge has not closed the doors of the appellant. The learned Single Judge has dismissed the writ petition with liberty to the appellant to challenge the attachment order by filing claim petition as provided under the Rules of 1988. It is for the appellant to avail the appropriate remedy.



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In view of that, the writ appeal is disposed of. There will be no order as to costs. Consequently, C.M.P.No.23210 of 2023 is closed.

(S.V.G., CJ.)

(D.B.C., J.)

11.10.2023

Index : Yes/No
Neutral Citation : Yes/No
sasi

To:

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THE HON'BLE CHIEF JUSTICE
AND
D.BHARATHA CHAKRAVARTHY,J.

(sasi)

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