



W.P.(MD)No.16096 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 02.08.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.16096 of 2023

and

W.M.P.(MD)Nos.13485 and 13486 of 2023

1. V.Nirmala
2. M.Dharanikumar ... Petitioners
versus

1. The Deputy Registrar of
Co-operative Societies,
Musiri Region,
Musiri,
Trichy District.
2. R.1637, Urakkarai Mahadevi Primary
Agriculture Co-operative Society,
Rep. by its President,
Urakkarai Post,
Musiri Taluk,
Trichy District.
3. Mathiyalagan ... Respondents

Writ Petition filed under Article 226 of the Constitution of India,
seeking for the issuance of Writ of Certiorari, to call for the records



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pertaining to the impugned order passed by the 1st respondent in
தண்டத்தீர்வை ஆணை ந.க.6473/2009/சப நிறைவேற்று மனு
எண்.3/2011-2012 நாள் 24.05.2023 and quash the same on the
ground that the same is arbitrary, illegal and without any legal basis.

For Petitioners : Mr.G.Ramanathan
For R1 and R2 : Mr.P.T.Thiraviam,
Government Advocate

ORDER

The petitioners are the wife and son of one Mathialagan, who is the third respondent herein and an erstwhile employee of the respondent Society. The first respondent/the Deputy Registrar of Co-operative Societies, Musiri, Trichy District, has issued a notice in Form No.7 to the third respondent directing him to pay the misappropriated amount of Rs.8,99,687.22p along with interest, failing which, the immovable properties will be attached.

2. The petitioners claims that the properties, which are sought to be attached in the impugned notice, are the properties belonging to them. Therefore, they have filed this writ petition challenging the



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impugned notice which was issued to the 3rd respondent.

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3. During the course of hearing, the learned counsel appearing for the petitioners submit that the petitioners have also submitted a fresh representation to the first respondent claiming title over the property.

4. The learned Government Advocate appearing for the respondents 1 and 2 submits that the 3rd respondent, while he was working as a Clerk in the second respondent Society, has misappropriated the amount to the tune of Rs.8,99,687.22p in the year 2008-2009. Based on a complaint, an enquiry, under Section 81 of the Tamil Nadu Co-operative Societies Act, was contemplated on 11.02.2009 and based on the enquiry report, further proceedings was initiated under Section 87 of the Tamil Nadu Co-operative Societies Act. Now, the third respondent, in order to evade the proceedings initiated as against him, has created certain documents on 20.09.2010 and 22.04.2019 in favour of his wife and son. With the above



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documents, now, they are claiming title over the property.

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5. It appears that the third respondent, while working as a Clerk in the second respondent Society, has misappropriated the amount to the tune of Rs.8,99,687.22p, for which, the impugned notice has been issued by the third respondent.

6. The petitioners claim that the properties, which are sought to be attached in the impugned notice, are the properties belonging to them and they are the owner of the property. They have also submitted a representation to the first respondent claiming title over the properties.

7. Therefore, this writ petition is disposed of with a direction to the first respondent to conduct an enquiry by affording an opportunity of hearing to the petitioners and allow them to produce relevant documents regarding title over the properties, if any and thereafter,



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pass an order on merits and in accordance with law, within a period of

12 weeks from the date of receipt of a copy of this order. No costs.

Consequently, connected miscellaneous petitions are closed.

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NCC : Yes / No.

Index : Yes / No.

Internet : Yes / No.

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