



W.P(MD)No.30430 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 20.12.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.30430 of 2023

The Administrator,
0.2009 – Govindaperi Primary Agricultural
Co-operative Credit Society,
Ravanasamuthiram,
Tenkasi Taluk,
Tenkasi District.

... Petitioner

Vs.

1.The District Registrar (Administrative),
Cheranmahadevi,
Tirunelveli District.

2.The Sub Registrar,
Sub Registrar Office,
Kadaiyam,
Tenkasi District.

3.Shajahan

4.Murugesan

5.Fathima

... Respondents



W.P(MD)No.30430 of 2023

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the Impugned Proceedings issued by the first respondent in Na.Ka.No.821/A2/2023 dated 06.04.2023 and quash the same on the ground that the same is arbitrary, illegal and without any legal basis and consequently directing the respondents 1 and 2 to cancel the sale deeds in documents No.3923/2020 dated 07.10.2020, No. 4024/2020 dated 12.10.2020 in connection with Survey Nos.213/1A1, 213/1A2 situated at Ravanasamuthiram Village, Kadaiyam Taluk, Tenkasi District within time frame stipulated by this Court.

For Petitioner : Mr.M.Sridharan

For Respondents : Mr.S.RA.Ramachandran
Additional Government Pleader
for R.1 & R.2

ORDER

Heard the learned counsel appearing for the writ petitioner and the learned Additional Government Pleader appearing for the respondents 1 and 2.

2.The petitioner is a registered Co-operative Society. The third respondent herein was the Secretary of the Society. He had allegedly committed misappropriation. The Society proceeded against the third



W.P(MD)No.30430 of 2023

respondent. Before the attachment could be effected, the petition mentioned offending transaction had taken place. The petitioner moved the first respondent for declaring them as fraudulent. The first respondent declined to interfere. Challenging the stand of the first respondent, the present writ petition came to be filed.

3.The petitioner has to necessarily move the jurisdictional civil Court for getting a declaration that the transactions in question had been fraudulently entered into to avoid the creditors. The petitioner in this case can definitely be considered as a creditor in the larger sense of the term.

4.Therefore, granting liberty to the petitioner to move the jurisdictional civil Court, this writ petition is disposed of. There shall be no order as to costs.

20.12.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
MGA

3/4



W.P(MD)No.30430 of 2023

G.R.SWAMINATHAN, J.

MGA

To

- 1.The District Registrar (Administrative),
Cheranmahadevi,
Tirunelveli District.
- 2.The Sub Registrar,
Sub Registrar Office,
Kadaiyam,
Tenkasi District.

W.P(MD)No.30430 of 2023

20.12.2023