



CRP.No.452 of 2011

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 02.02.2024**

**CORAM:**

**THE HONOURABLE MR.JUSTICE S.SOUNTHAR**

**CRP.No.452 of 2011**  
**and**  
**M.P.Nos.1, 1 & 2 of 2011**

- 1.A.Balaraman (Died)
- 2.B.Thara
- 3.B.Manikandan
- 4.B.Meenakshi
- 5.Palani
- 6.Pitchandi
- 7.Manikandan
- 8.Priya

... Petitioners

(appellants 5 to 8 brought on record  
as LR's of the deceased first appellant  
viz., A.Balaraman vide Court order  
dated 11.07.2019 made in  
CMP.No.13634/2019 in CRP.No.452 of 2011)  
(appellants 2 to 4 and respondent-2 are recorded  
as LR's of the deceased first appellant)

**Vs.**

- 1.The Deputy Registrar of Cooperative Societies  
Cheyyar, Tiruvannamalai District.



CRP.No.452 of 2011

2.B.Ramesh

36-A, Yadavar Street, Tiruvannamalai District.

3.V.C.No.96, Cheyyar Division Revenue

Rural Development Department Employees Cooperative

Thrift and Credit Society Limited

Vandavasi, Tiruvannamalai District.

...Respondents

**Prayer:** Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the order dated 30.11.2010, made in C.T.A.No.1 of 2009, on the file of the Co-operative Tribunal, Tiruvannamalai, Tiruvannamalai District, District Court, Tiruvannamalai.

For Petitioners : Mr.R.Bhaskaran

For Respondents : Mr.V.Jeevagiridharan for R1  
Additional Government Pleader

Mr.C.P.Venkata Suba Rao for R2

Mr.M.S.Palaniswamy for R3

### **ORDER**

This Civil Revision Petition is filed challenging the order passed by the Co-operative Tribunal refusing to raise the attachment order against the property of the petitioners.



CRP.No.452 of 2011

WEB COPY

2. It is the case of the petitioners that the second respondent is the employee of the third respondent co-operative society. The petitioners 1 & 2 are the parents of the second respondent, the third petitioner is the brother and fourth petitioner is the wife of the second respondent. On the charges of misappropriation of society surcharge proceedings were initiated against the second respondent under Section 87 of the Tamil Nadu Co-operative Society Act and later, the surcharge order was passed. In the mean time, the properties of the petitioner were attached by the first respondent on the ground that those properties were acquired in the name of the second petitioner by utilizing by the funds of the second respondent. Challenging the said order of the attachment the petitioners herein preferred an appeal before the Co-operative Tribunal in C.T.A.No.01 of 2009 and the said appeal was dismissed by the Co-operative Tribunal. Aggrieved by the same, the petitioners are before this Court.

3. Against the order of attachment made by the first respondent in respect of the property in the name of the second petitioner said to be



CRP.No.452 of 2011

acquired by utilizing by the funds of the second respondent, the petitioners ought to have filed a claim petition before the Competent Authority under Rule 135 of the Tamil Nadu Co-operative Society Rules and the appeal filed by the petitioners before the Co-operative Tribunal is not maintainable, as no remedy is provided against the order of attachment before the Tribunal. The Court below ought not to have entertained the same. Hence, the judgment and decree passed by the Co-operative Tribunal in CTA.No.01 of 2009 is set aside and the same is vitiated by erroneous exercise of jurisdiction.

4. It is made clear that, challenging the order of attachment passed against the properties of the petitioners, the petitioners have to file a claim petition since the available remedy is under the Rule 135 of the Tamil Nadu Co-operative Society Rules. With this liberty, the Civil Revision Petition is disposed of. The petitioners are entitled to exclude the period (30.01.2011 to date of receipt of this order) during which the Civil Revision Petition was pending before this Court while calculating limitation for filing application under Rule 135 of the Tamil Nadu Co-operative Societies Rules.



CRP.No.452 of 2011

WEB COPY

5. With the above direction, this Civil Revision Petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

**02.02.2024**

Index : Yes / No  
Internet : Yes / No  
dna

**To**

- 1.The Co-operative Tribunal, Tiruvannamalai,  
Tiruvannamalai District, District Court, Tiruvannamalai.
- 2.The Deputy Registrar of Cooperative Societies  
Cheyyar, Tiruvannamalai District.



WEB COPY



CRP.No.452 of 2011

**S.SOUNTHAR, J.**  
dna

**CRP.No.452 of 2011**  
**and**  
**M.P.Nos.1, 1 & 2 of 2011**

**02.02.2024**