



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.12.2024

CORAM

THE HON'BLE Mr. JUSTICE **C.V.KARTHIKEYAN**

W.P.No.12983 of 2020
and W.M.P.Nos.16069 & 16070 of 2020

K.Gopal @ Rajagopal

.. Petitioner

Vs.

1.The Deputy Registrar of Cooperative Society,
Omalur Circle,
Omalur,
Salem District.

2.The Administrator,
S-777, Nangavalli Primary Agricultural Co-operative Credit Society Limited,
Nangavalli,
Mettur Taluk,
Salem District.

3.The Sale Officer/Co-operative Sub Registrar/
Senior Inspector of Co-operative Societies,
S-777, Nangavalli Primary Agricultural Co-operative Credit Society Limited,
Nangavalli,
Mettur Taluk,
Salem District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records of the 3rd respondent relating to the Notice in E.P. No. 1 /2016-17 dated 28.08.2020, quash the same and issue consequential direction to the 3rd respondent to follow the proper procedure of



attachment of the properties of concerned judgment-debtor and desist from attaching the properties of the petitioner and his co-sharers.

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For Petitioner .. Mr.G.Punniakoti
For Respondents .. Mr.A.Anandan
Government Advocate for R1 & R3

Mr.L.P.Shanmugasundaram
for R2

ORDER

This writ petition has been filed in the nature of certiorarified mandamus seeking records of the 3rd respondent, the Sale Officer/Co-operative Sub Registrar/Senior Inspector of Co-operative Societies, Nangavalli Primary Agricultural Co-operative Credit Society Ltd., at Mettur Taluk in Salem District relating to notice in E.P. No.1/2016-17 dated 28.08.2020 and quash the same.

2.The said Execution Petition notice was issued to one A.Vasanthi. The petitioner is the brother in law of the said A.Vasanthi. It is not known why the said Vasanthi had not approached the Court. It is claimed that the properties mentioned in the said notice are ancestral properties and therefore, could not be subjected to attachment. The entire proceedings had arisen owing to determination of misappropriation of a sum of Rs.44,33,531/- from the 2nd respondent Society.



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3.The learned counsel for the petitioner pointed out the order of learned single Judge of this Court dated 23.09.2024 in W.P.Nos.28493, 14389 and 28497 of 2023 and C.R.P.Nos.2024 and 2197 of 2023, P.Shanmugam and others vs. Deputy Registrar of Co-operative Societies, Omalur Circle and others and contended that the entire sur charge proceedings had been set aside by the learned single Judge. If that be so, then the petitioner can raise a claim against the Sales Officer under Rule 135 of the Tamil Nadu Cooperative Societies Rules, 1998. The scope of this Court to entertain this proceeding is extremely narrow. Even if the proceedings under Section 87(1) of the Co-operative Societies Act, 1983 is to be challenged, the challenge should be only by way of an appeal under Section 152(1) of the Act.

4.Giving the liberty to the petitioner herein to raise the claim before the Sales Officer, this writ petition stands dismissed. No Costs. Consequently, connected miscellaneous petitions are closed.

19.12.2024

Index:Yes/No

Internet:Yes/No

Speaking Order/Non-Speaking Order

Neutral Citation:Yes/No

ssr



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C.V.KARTHIKEYAN,J.

SSR

To

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- 3.The Sale Officer/Co-operative Sub Registrar/
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