



W.P(MD)No.2687 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.06.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.2687 of 2022

and

W.M.P.(MD)Nos.2371 and 2372 of 2022

Lathis Mary

... Petitioner

Vs.

1.The Deputy Registrar of Co-Operative Societies,
Thuckalay Circle, Palace Road,
Thuckalay Post, Kalkulam Taluk,
Kanyakumari District.

2.K.V.90 Karungal Primary Agricultural
Co-Operative Credit Society,
Rep. by its President, Karungal Post,
Killiyoor Taluk, Kanyakumari District.

3.M.Raj

... Respondents

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 order of attachment passed in C.E.P.No.2/2017-18 dated 08.02.2018 on the file of the 1st respondent and quash the same as illegal and further direction to the 1st respondent to take steps to raise the attachment made in the records of Karungal Sub-Registrar



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Office in Resurvey No.339/4 of Paloor Village in Vilavancode Taluk of Kanyakumari District.

For Petitioner : Mr.S.Kumar

For Respondents : Mr.K.S.Selvaganesan,
Addl. Government Pleader for R1.
Mr.V.H.S.Prathap for R2.
No appearance for R3.

ORDER

Heard the learned counsel for the petitioner, the learned Additional Government Pleader for the first respondent and the learned counsel for the second respondent.

2.It is not in dispute that the third respondent is employed in the second respondent society. Surcharge order was passed against the third respondent. In that process, the petitioner's property was attached. The petitioner is no doubt the wife of the third respondent. But there is absolutely no allegation whatsoever against the petitioner. The authority was clearly wrong in attaching the petitioner's property when she had nothing to do with the subject transactions. The impugned attachment order is set aside as far as the petitioner



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is concerned. The writ petition is allowed. No costs. Consequently, connected miscellaneous petitions are closed.

26.06.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:-

- 1.The Deputy Registrar of Co-Operative Societies,
Thuckalay Circle, Palace Road,
Thuckalay Post, Kalkulam Taluk,
Kanyakumari District.
- 2.K.V.90 Karungal Primary Agricultural
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G.R.SWAMINATHAN, J.

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