



W.P(MD)No.5203 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.07.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.5203 of 2021

and

W.M.P.(MD)Nos.4168 and 4169 of 2021

M.Mathew Abraham

... 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.Thangam

... 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 considering the petitioner's representation dated 01.02.2021 and further direction to the 1st respondent to take steps to raise the



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attachment made in the records of Munichirai Sub-Registrar office in Resurvey Nos.453/1A1, 453/4A, 453/4B, 444/1, 444/2A, 446/1B of Killiyoora Revenue Village and in Re-survey Nos.405/8B, 405/7, 405/6 of Paloor Revenue Village, both in Killiyoora Taluk of Kanyakumari District.

For Petitioner : Mr.S.Kumar

For Respondents : Mr.K.S.Selvaganesan,
Addl. Government Pleader for R1 & R2.

ORDER

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

2.The third respondent is the mother of the petitioner herein. She is employed as Secretary in the second respondent cooperative credit society. She appears to have committed irregularities. Surcharge order was passed against her. The question that arises for consideration is whether on this ground, the petition mentioned property can be attached. It is beyond dispute that the petition mentioned property was the self-acquired property the petitioner's grandfather. The petitioner's grandfather had settled the property in favour of the petitioner on 25.07.2014. Neither the petitioner nor the petitioner's property



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have anything to do with the impugned transactions. Therefore, the authority is wrong in proceeding against the petition mentioned property. It is patently without jurisdiction. The impugned order is set aside and the writ petition is allowed. No costs. Consequently, connected miscellaneous petitions are closed.

01.07.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
ias

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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