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W.P.No.23584 of 2010

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.12.2025

CORAM:

THE HONOURABLE MR. JUSTICE **V. LAKSHMINARAYANAN**

W.P.No.23584 of 2010 &
M.P.No.1 of 2010

D.Chinnaraj

... Petitioner

Vs.

1.The Deputy Registrar of Co-op Societies,
Cheyyar Circle, Cheyyar, Tiruvannamalai District.

2.The Special Officer,
H.H.577, Vandavasi Primary Agricultural
Co-op Credit Society, Vandavasi,
Tiruvannamalai District.

... Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India praying to issue a writ of declaration declaring the arbitration proceedings in ARC.No.890/2002-2003 award dated 17.03.2004 passed by the 1st respondent herein and the consequential sale notice in Form-9 dated 09.09.2010 issued by the 1st respondent herein as null and void and contrary to the provisions of the Tamilnadu Co-op. Societies Act 1983.

For Petitioner :Ms.Jebamary
for Mr.R.Arumugham

For Respondent 1:Mr.S.Ravikumar,
Special Government Pleader

For Respondent 2: No appearance



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ORDER

The petitioner seeks writ of declaration that the arbitration proceedings in ARC.No.890/2022-2003 dated 17.03.2004 initiated by the first respondent and the consequential sale notice issued in Form 9 on 09.09.2010 is null and void.

2. Ms.Jebamary appearing for Mr.R.Arumugham states that the proceedings under Section 90 is untenable against an employee. She states that if the award under Section 90 can be initiated against the petitioner, consequential proceedings will also have to fail.

3. Mr.S.Ravikumar, learned Special Government Pleader appearing for the Cooperative Societies points out that the sale notice is not, on the basis of the award obtained under Section 90 of the Cooperative Societies Act, but based on the surcharge order that came to be passed by the competent authority. Therefore, the execution proceedings had been initiated against the property of the writ petitioner. He states that even if the courts were to declare that the proceedings under Section 90 are invalid, it will not affect the sale proceedings as they are based on the validly passed order under Section 87.



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4. I have carefully considered the submission on both sides and have gone through the records.

5. A perusal of the papers shows that the petitioner has not challenged the surcharge award passed under Section 87 of the Cooperative Societies Act. This award was passed on 04.02.2004. Once the Surcharge proceeding has not been challenged under the Tamilnadu Cooperative Societies Act, the same cannot be put into execution by resorting to attachment and sale proceedings.

6. The counter affidavit further points out that a sale had been held on 30.10.2018 and the property had been purchased by the Cooperative Society itself.

7. Ms.Jebamary is not aware whether the petitioner has challenged the sale proceedings.

8. Insofar as this writ petition is concerned, as the surcharge award is not the subject matter of challenge and since the execution proceedings were taken on the basis of the surcharge award, granting declaration that the petitioner seeks would not make any difference to



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the case. Hence, this writ petition is dismissed. No costs.

Consequently, the connected miscellaneous petition is closed.

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Internet:Yes

Index:Yes/No

Speaking/Non speaking order



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To

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V. LAKSHMINARAYANAN. J,

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