



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 20-08-2025**

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**THE HONOURABLE MRS.JUSTICE N. MALA**

**WP.No.9410 of 2025**

K.Kumaresan

Petitioner(s)

Vs

1.The Deputy District Registrar,  
Office of Deputy Registrar Co-operative Societies,  
K.Theatre Road,  
Krishnagiri District-635001.

2.The Joint Registrar,  
Office of Joint Registrar Co-operative Societies,  
Krishnagiri Town,  
Krishnagiri District-635 001.

3.The President  
S.1063, Puliampatty Primary Agricultural  
Co-Operative Credit Society,  
Krishnagiri.

4.K.Amaresan,

Respondent(s)

**Prayer:** Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a direction in the nature of Writ of Mandamus, directing the respondents to release the share of the petitioner's property by modifying the 1<sup>st</sup> respondent order dated 24.02.2018 in CEP No.04/2017-2018/Sa.Pa.1 by considering the petitioner representation dated 22.05.2024.



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For Petitioner: Mr.R.Marudhachalamurthy

For Respondents: Mr.Muthusamy,  
Government Advocate  
for R1 & R2  
Mr.M.S.Palanisamy for R3

### **ORDER**

This writ petition has been filed for issuance of a Writ of Mandamus, directing the respondents to release the share of the petitioner's property by modifying the order of the first respondent, dated 24.02.2018 in CEP.No.04/2017-2018/Sa.Pa.1 by considering the petitioner's representation dated 22.05.2024.

2. The petitioner's father, Late Mr.Kuppusamy, owned properties in multiple survey numbers at Thamodharahalli Revenue Village, Krishnagiri District. These properties were self-acquired and inherited through ancestral lineage. Upon his demise, in the year 2005, his legal heirs, the petitioner, his mother, and two brothers, entered into a family arrangement on 11.06.2006, and divide the properties accordingly.



3. In the year 2024, when the petitioner, attempted to develop his property, he discovered that the registration department had encumbered the land due to an attachment order passed in C.E.P.No.4/2017-2018/SA.PA.1 dated 24.02.2018. This order was issued in connection with a claim against the petitioner's brother (4<sup>th</sup> respondent) by the 3<sup>rd</sup> respondent society. However, instead of attaching the share of the 4th respondent alone, the entire property was encumbered, affecting the petitioner and other family members.

4. The learned counsel for the petitioner submitted that the entire property should not have been attached, as it was a family property, and the 4<sup>th</sup> respondent's share alone to be subject to attachment. In this connection, the petitioner made a representation on 22.05.2024 before the official respondents requesting modification of the order to exclude his and his family's rightful shares. However, there is no response on the side of the Respondents 1 & 2. Though the 3<sup>rd</sup> respondent admitted that the claim was only against the 4th respondent, refused to take responsibility for attachment. The attachment order violates Article 300-A of the Constitution, depriving the petitioner of his right to



the property without due process, which has necessitated the filing of this Writ

5. At this juncture, reference must be made to Rule 135 of the Rules, which provides that where any claim or objection is made to the attachment of any property attached under those Rules on the ground that such property is not liable to any attachment, it shall be incumbent upon the Sales Officer to investigate the claim or objection and dispose of it on merits. This would obviously mean that the representation dated 24.06.2023 made by the Petitioners to the first Respondent would have to be treated as an application under Rule 135 of the Rules.

6. In such circumstances, this Court without expressing any view on the correctness or entitlement of the claim made by the Petitioners, passes the following order:-

(i) it shall be incumbent on the third Respondent to treat the representation dated 24.06.2023 made by the Petitioner as an application under Rule 135 of the Rules, and immediately examine the same and



ascertain as to whether the Petitioner would be entitled for the relief claimed;

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(ii) if it is found that any other detail or supporting document is necessary, the deficiencies in that regard shall be informed in writing to the Petitioner requiring the same to be furnished within a time frame of not less than 15 days for the same;

(iii) in the event of not being satisfied with the requirements even thereafter, an enquiry shall be conducted affording an opportunity of personal hearing to the Petitioner and all other persons concerned to explain their position in that regard;

7. In the result, the Writ Petition stands disposed of on the aforesaid terms. No costs.

**20-08-2025**

vum/cda

Index:Yes/No

Speaking/Non-speaking order

Neutral Citation : Yes : No



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**N. MALA,J.**

vum/cda

To

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