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WP.No.11295 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.07.2025

CORAM

THE HON'BLE MRS.JUSTICE N.MALA

WP.No.11295 of 2025

and

WMP.Nos.12737 & 12740 of 2025

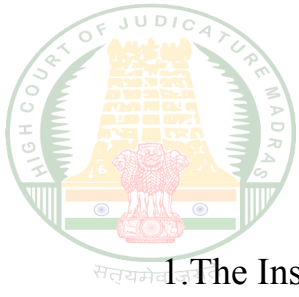
P.Vennila,
W/o. Periyasamy,
No. 44/27 (1) Perumal Koil Street,
Anna Nagar, Krishnagiri Post and
Distirct.

2.Mrs.Nagammal,
W/o.Arumugam,
Melakottai, Aniniyandpallai,
Padukur, Krishnagiri.

3.Mrs.Ragupathi,
W/o. Govindan,
Kizhipudur, Malaiyandhalli,
Krishnagiri.

4.Mrs.Eswari,
W/o.Venkatraman, Lakshmanakottai,
Chettimarampatti, Malaiyandhalli,
Krishnagiri.

Petitioner(s)



Vs

1.The Inspector General of Registration,
No.100 Santhome High Road,
Chennai 600 028.

2.The District Registrar,
Registrar Office, Krishnagiri 635 001.

3.The Sub Registrar,
Registrar Office, Kaveripatinam,
Krishnagiri District

4.Joint Registrar of Cooperative Societies,
Co-Operative Colony,
Krishnagiri 635 001.

5.The Circle Deputy Registrar Co-Operative
Co-Operative Colony, Krishnagiri.

6.The Administrator/Sale Officer,
K.K.117 Malaiyandhali Primary Agricultural,
Co-Operative Credit Society, Gandhi Nagar,
Thimmapuram, Krishnagiri District.

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 Certiorarified Mandamus, calling for records and setting aside the order of attachment in C.E.P.No.04/2020-2021-SR-1 dated 22.06.2020 and consequential proceeding initiated by the 5th respondent culminating in the Form 6 dated 19.09.2024 as inoperative and unenforceable in so far as the petitioners 4/5th share in the properties in S.Nos.489/16 489/24 489/28 489/32 and 489/8 totally



measuring an extent of 0.26.50 hectares in Sundekukppam Village falling in Krishnagiri Taluk and District and consequently direct the respondents 1 to 3 to remove the above entries relating to attachment entered in the encumbrances certificate and pass such further orders.

For Petitioner: Mr.V.Vijayashankar

For Respondents: Mr.P.Harish,
Government Advocate
For R1 to R3

Mr.M.Muthusamy,
Government Advocate
For R4 & R5

Mr.N.Naveen Kumar,
Government Advocate
For R6

ORDER

This writ petition has been filed for issuance of a Writ of Certiorarified Mandamus, calling for records and setting aside the order of attachment in C.E.P.No.04/2020-2021-SR-1 dated 22.06.2020 and consequential proceeding initiated by the 5th respondent culminating in the Form 6 dated 19.09.2024 as inoperative and unenforceable in so far as the petitioners 4/5th share in the properties in S.Nos.489/16 489/24 489/28 489/32 and 489/8 totally measuring an extent of 0.26.50 hectares in Sundekukppam Village falling in



Krishnagiri Taluk and District and consequently directing the respondents 1 to

3 to remove the above entries relating to attachment entered in the

encumbrances certificate.

2. The petitioners are the children of Late Venkataraman, who owned lands in Sundekuppam Village, Krishnagiri District. After his and their mother's passing, they inherited 4/5th of the properties. Their brother, V. Krishnamoorthy, was an employee at K.K.117, Malayaiyandahalli Primary Agricultural Cooperative Credit Society, and was held jointly liable in surcharge proceedings for a loss of Rs.1,97,68,992/- on 26.08.2021. He has filed an appeal before the Cooperative Tribunal. Despite this, the 5th respondent issued a sale proclamation on 19.09.2024 to auction the entire joint family property, though an attachment order had been passed on 22.06.2020 without notice. The petitioners submitted representations in January/February 2025, but no action was taken. The petitioners have now approached this Court with their 4/5th share at risk.

3. The petitioner contends that the 4/5th share of the petitioners cannot be attached or sold, as they were not part of the surcharge proceedings. The

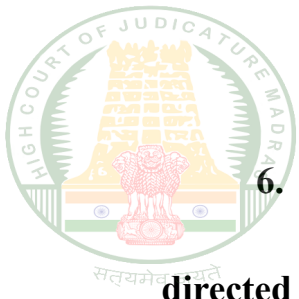


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petitioner argued that the attachment was made without notice, violating principles of natural justice. The Petitioner further submits that since Krishnamoorthy has appealed, any enforcement action should be stayed until the Tribunal's decision. The respondents also failed to consider the petitioners' representations before proceeding with the sale. The petitioners seek a declaration that their 4/5th share is not liable for attachment and request appropriate relief to protect their ownership.

4. Learned counsel appearing for the petitioner submits that a petition under Section 135 of the Tamil Nadu Cooperative Societies Rules, 1988 was submitted to the to the 5th respondent on 04.02.2025, but the same has not been considered and no action has been taken till date.

5. Learned Government Advocate appearing for respondents 4 and 5 submits that petition filed under Section 135 of the Tamil Nadu Cooperative Societies Rules 1988 would be considered on merits and in accordance with law within a time frame stipulated by this Court.



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6. Without going into the merits of the case, the 5th respondent is directed to consider the petition/application of the petitioner filed under Section 135 of the Tamil Nadu Co-operative Societies Rules, 1988, after conducting a detailed enquiry by giving due notice to the petitioner, affording an opportunity of personal hearing to the petitioner, taking into consideration all the relevant documents submitted by the petitioner in regard to the subject matter property and pass appropriate orders on merits, in accordance with law, within a period of six (6) weeks from the date of receipt of a copy of this order.

In the result, the writ petition stands disposed of with the above observations and directions. No costs. Consequently, connected miscellaneous petitions are closed.

21-07-2025

Cda/smn

Index: Yes/No

Speaking/Non-speaking order



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N.MALA, J.

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