



WP.No.19606 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED : **29.05.2025**

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

**W.P.No.19606 of 2025
and
WMP No.21963 & 21964 of 2025**

Rajini Joy Kanmani @ Rajini Priyadharsini

... Petitioner

Versus

1. The Deputy Registrar of Co-operative Societies,
Tiruvallur Circle, Tiruvallur, Tiruvallur District.
2. The Sale Officer,
Tiruvallur Circle,
O/o. Deputy Registrar of Cooperative Societies,
Tiruvallur circle, Tiruvallur, Tiruvallur District.
3. The Administrator,
Uthukottai Primary Agricultural,
Cooperative Credit Society,
Uthukottai 602026, Tiruvallur District.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorari to call for the entire records relating to the impugned order passed by the 1st respondent in his proceedings no. Nil, dated 19.05.2025 and quash the same.



WEB COPY



WP.No.19606 of 2025

For Petitioner : Mr. C. Prakasam
For Respondents : Mr. K. Tamilvendan
Government Advocate.
R1 to R3

ORDER

Challenging the impugned order passed by the 1st respondent in his proceedings dated 19.05.2025, the present writ petition has been filed.

2. The petitioner is the wife of one Ramesh Rajamani, who was subjected to surcharge proceedings under Section 87 of the Tamil Nadu Cooperative Societies Act, initiated by the first respondent.

3. The learned counsel for the petitioner submitted that the property sought to be attachment by the first respondent is the absolute property of the petitioner.

4. The learned Government Advocate, appearing for the respondents would submit that a sum of Rs.16 lakhs was misappropriated by the petitioner's husband while he was working as a Secretary in the Cooperative Society and he was also suspended from service in the year 2014. The Surcharge Proceedings



WP.No.19606 of 2025

challenged by her husband was also dismissed. Against which, CRP was preferred, wherein interim stay was granted subject to a condition that Rs.3,00,000/- be deposited. However, the petitioner's husband failed to comply with the condition. Therefore, finding no other alternative, the first respondent has initiated the proceedings for attachment of the property, which is claimed by the petitioner to be under her ownership. Subsequently, an attachment order cum auction notice dated 13.05.2025 was issued, notifying that the public auction is scheduled to be held on 18.06.2025. In response, the learned Government Advocate raised serious objection.

1. In reply, the learned counsel for the petitioner submitted that the petitioner's mother had purchased the property in the name of the petitioner in the year 1998 itself by way of a sale deed in document No.569 of 1998, dated 25.05.1998. Thereafter, the petitioner's mother, being a teacher, had constructed a house and gifted the same to the petitioner. The alleged misappropriation in the 3rd respondent society is said to have occurred in year 2014, in which the petitioner is no way connected. On 08.01.2019, surcharge proceeding was initiated against the petitioner's husband along with other members of the society. The learned counsel further contended that the property is not purchased using any



WP.No.19606 of 2025

misappropriated funds of the society.

WEB COPY 2.

6. The objection has been taken into consideration. The Sale deed also reveals that the property is the absolute property of the petitioner.

7. However, considering the objection raised by the learned Government Advocate that without paying single amount, petitioner's husband, has challenged the surcharge proceedings, without prejudice to the petitioner, who is working as a teacher, is directed to deposit Rs.3,00,000/-(Rupees three lakhs only) to the credit of 3rd respondent society within a period of six weeks from the date of receipt of a copy of this order. On such deposit, the society is permitted to withdraw the amount. If the petitioner fails to deposit the said amount within the said period, the order shall stand cancelled, automatically. With that condition, the show cause notice impugned is ordered to be quashed.

8. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

29.05.2025

mrp



WP.No.19606 of 2025

Index :Yes/No

Internet :Yes/No

Neutral Citation : Yes/No

WEB COPY

To,

1. The Deputy Registrar of Co-operative Societies,
Tiruvallur Circle,Tiruvallur,Tiruvallur District.
- 2.The Sale Officer,
Tiruvallur Circle,
O/o.Deputy Registrar of Cooperative Societies,
Tiruvallur circle, Tiruvallur, Tiruvallur District.
- 3.The Administrator,
Uthukottai Primary Agricultural,
Cooperative Credit Society,
Uthukottai 602026, Tiruvallur District.



WEB COPY



WP.No.19606 of 2025

T.V.THAMILSELVI, J.

mrp

W.P.No.19606 of 2025

29.05.2025