



W.A.Nos.2063 & 2064 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.03.2025

CORAM

THE HON'BLE MR. JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR. JUSTICE K. RAJASEKAR

Writ Appeal Nos.2063 & 2064 of 2024

and

Civil Miscellaneous Petition Nos.14614 & 14617 of 2024

D.Santhi ... Appellant in WP No.2063/2024

M.Rajeshwari ... Appellant in WP No.2064/2024

Vs.

1.The Deputy Registrar of Co-operative Societies,
Vellore Circle, Vellore District.

2.The Sale Officer/Co-operative Sub-Registrar,
Office of the Deputy Registrar of Co-operative Societies,
Vellore.

3.The Sub-Registrar,
Vellore, Vellore District.

... Respondents in both WPs

Writ Appeals filed under Clause 15 of Letters Patent Act,
against the orders dated 19.12.2023 in W.P.No.29311 of 2023 and
W.P.No.29315 of 2023.



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WEB COPY For Appellant in both WPs : Mr.M.Thirumoorthy

For Respondents in both WPs : Mrs.M.Geetha Thamarai Selvan,
Special Government Pleader

COMMON JUDGMENT

(Judgment of the Court was made by S.M.SUBRAMANIAM, J.)

Writ orders dated 19.12.2023 passed in W.P.No.29311 of 2023 and W.P.No.29315 of 2023 is sought to be assailed in the present writ proceedings.

2. The writ petitioners are the appellants before this Court. The writ petitions were instituted challenging the conditional attachment order passed by the Deputy Registrar of Cooperative Societies on 18.06.2020 under Section 167 of the Tamil Nadu Cooperative Societies Act, 1983.

3. Sub Section (2) to Section 167 of the Tamil Nadu Cooperative Societies Act, 1983 contemplates that the Registrar may, also in the order made under Sub Section (1) or by a separate order direct the conditional attachment of the property or such part thereof and such attachment shall



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have the same effect as if, it had been made by a competent Civil Court.

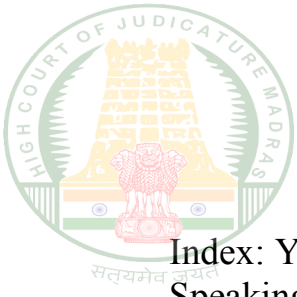
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4. The learned counsel for the appellants would submit that Surcharge Proceedings are initiated. The appellants are the daughter-in-laws of the employee, who served in a cooperative society. Therefore, the appellants if aggrieved, has to approach the competent forum for the purpose of annulling or modifying the order of conditional attachment passed under Section 167 of the Tamil Nadu Cooperative Societies Act, 1983.

5. Contrarily, writ Court cannot adjudicate the disputed facts of this nature, which is to be undertaken based on the documents and evidences available on record. The proceedings are pending, and it is left open to the appellants to adjudicate the issues on merits in the manner known to law. However, the writ petitions, as rightly held by the writ Court is not entertainable. Consequently, the writ appeals stand dismissed. There shall be no order as to costs. Consequently, the connected miscellaneous petitions also stands dismissed.

(S.M.S., J.) (K.R.S., J.)
12.03.2025

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Index: Yes/No

Speaking Order: Yes/No

Neutral Citation Case : Yes/No

To:

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C.M.P.Nos.14614 & 14617 of 2024

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