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W.P.No.22551 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.06.2025

CORAM :

THE HONOURABLE MRS.JUSTICE N.MALA

Writ Petition No.22551 of 2025

and W.M.P.Nos.25382 and 25383 of 2025

R.Annadurai

... Petitioner

Vs.

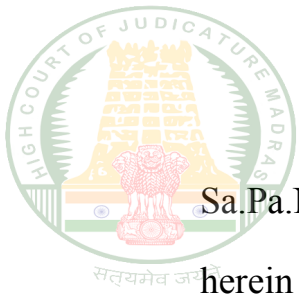
1.The District Registrar/Deputy Registrar of
Co-op Societies,
Cheyyar Circle, Thiruvannamalai District - 604407.

2.The Co-op, Sub Registrar/Sale Officer,
H.H.538, Desur Primary/Agricultural
Co-operative Credit Society,
Field Officer, Thellar Circle,
O/o.Deputy Registrar of Co-Societies,
Cheyyar Circle, Tiruvannamalai District - 604407.

3.The Management of H.H.538, Desur Primary
Agricultural Co-operative Credit Society,
Rep. By its Administrator, Desur, Vandavasi Taluk,
Tiruvannamalai District - 604501.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India,
praying for issuance of Writ of Certiorari, to call for the records relating to
impugned proceedings along with Form No.6 notice in Ni.Ma.No.07/2025



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Sa.Pa.Na.Ka.1144/2025 Sa.Pa dated 12.05.2025 issued by the 1st respondent

herein and impugned proceedings in Ni.Ma.No. 07/2025 Sa.Pa(1) dated 28.05.2025 along with Form No.7 notice dated 28.05.2025 issued by the 2nd respondent herein and quash the same as being illegal, arbitrary, unconstitutional.

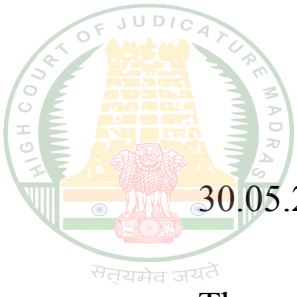
For Petitioner : Mr.T.Sundaravadanam
For Respondents : Mr.S.Ravikumar
Special Government Pleader

ORDER

Mr.S.Ravikumar, learned Special Government Pleader takes notice for the respondents.

2. By consent of both counsels, this writ petition is taken up for final disposal at the admission stage itself.

3. The petitioner was appointed as Salesman on 26.09.1998 at Ariyampondi PDS shop, and he was promoted as Junior Clerk/Cashier/Fertilizer Salesman, in the 3rd respondent Society on

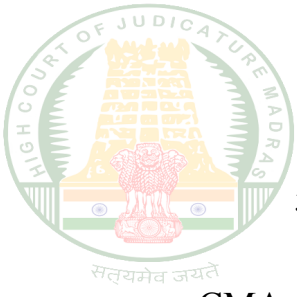


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30.05.2016, though not paid the increased salary of the promotional post.

Thereafter, the petitioner was given the additional charge of Secretary from 31.03.2017 onwards till the date of his suspension i.e., 20.02.2021. The petitioner states that subsequently he was reinstated into service on 26.05.2022, and assigned to look after the ration shop, as a salesman. The petitioner was presently working at Seeyamangalam, Panjarai and Manjapattu ration shops.

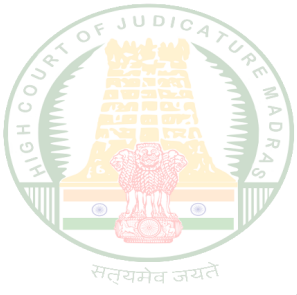
4. On 27.06.2023, the 1st respondent ordered Section 81 enquiry regarding certain irregularities with respect to repayment of fixed deposit bonds issued by the 3rd respondent society. Based on the enquiry report dated 14.09.2023, recovery proceedings under Section 87, were initiated on 20.05.2024, for the loss of Rs.10,15,453/- along with 12% interest. The final surcharge order was passed on 16.07.2024, for Rs.10,15,453/- with 12% interest, fixing the liability jointly on the petitioner, the Former President, the Former Secretary and the Salesman/Cashier of the 3rd respondent society.



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5. While so, on 12.03.2025, the petitioner filed a statutory appeal in CMA (CS).No.6 of 2025, on the file of the Principal District Court, Thiruvannamalai, which is still pending. During the pendency of the aforesaid CMA, the 1st respondent issued the impugned attachment notice dated 12.05.2025 under Form-6. Aggrieved by the said notice, the petitioner filed the above writ petition for the aforesaid relief.

6. Learned counsel for the petitioner submitted that against the surcharge proceedings dated 16.07.2024, an appeal along with stay application was filed before the Appellate Authority namely, Principal District and Sessions Judge, Tiruvannamalai. The learned counsel further submitted that even before the appeal could reach finality, the respondent hurriedly passed the impugned order of attachment and sale of the petitioner's wife's property for the amount of Rs.10,15,453/- with 12% interest. The counsel submitted that the impugned order was illegal, arbitrary and liable to be set aside.



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7. Learned Special Government Pleader appearing for the respondents submitted that the writ petition was not maintainable since the petitioner already approached the civil court. The counsel however, submitted that he would instruct the respondents not to take any coercive steps till the disposal of the petitioner's application in I.A.No.1 of 2025, by the learned Principal District and Sessions judge, Tiruvannamalai.

8. Heard the learned counsel for the petitioner and the learned Special Government Pleader appearing for the respondents and perused the materials available on record.

9. Admittedly, the surcharge order was passed on 16.07.2024 for recovery of the loss of Rs.10,15,543/- against the petitioner and three other persons. Aggrieved by the surcharge order, the petitioner has filed a statutory appeal in CMA (CS).No.6 of 2025 on 12.03.2025, before the Principal

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District Judge, Tiruvannamalai. Pending statutory appeal, the 1st respondent

has passed the impugned order attaching the petitioner's wife's property for the recovery of the aforesaid amount. The petitioner has also filed a stay application in the statutory appeal which is still pending. In my view, since the petitioner has already approached the Principal District Judge, Tiruvannamalai, by filing the statutory appeal, the petitioner should be relegated to the statutory appellate authority for the relief sought for in the writ petition. The petitioner having invoked the statutory remedy cannot be permitted to prosecute the writ petition for a remedy which can very well be granted by the statutory appellate authority.

10. At this juncture, learned counsel for the petitioner submitted that the I.A.No.1 of 2025 was posted for hearing on 20.06.2025, and as the respondents failed to file their counter, it is adjourned to 18.07.2025. The counsel therefore submitted that the respondents should be directed to file their counter by 18.07.2025. Learned Special Government Pleader submitted

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that steps would be taken to file the counter in the I.A.No.1 of 2025, before the District and Sessions Court, Tiruvannamalai, within time.

11.In view of the above narrative of facts, I direct the learned Principal District and Sessions Judge, Tiruvannamalai, to consider the petitioner's application in I.A.No.1 of 2025 for stay and pass orders on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. The learned Special Government Pleader's undertaking that the respondents will not take any coercive steps till the disposal of the petitioner's application in I.A.No.1 of 2025 is recorded.

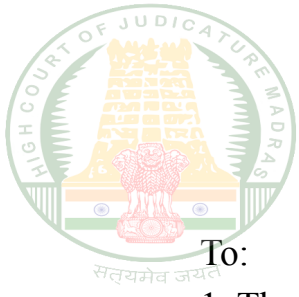
12. With the aforesaid direction, this writ petition is disposed of.
No costs. Consequently connected miscellaneous petition is closed.

24.06.2025

msv

Index	:	Yes/No
Speaking Order	:	Yes/No
Neutral Citation	:	Yes/No

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To:

1. The District Collector
Collectorate Campus,
Erode District - 638 011.

2. The Additional Collector/Project Director,
District Rural Development Agency,
Erode District- 638 011.

3. The Block Development Officer,
Perundurai Panchayat Union,
Perundurai Taluk,
Erode District - 638 052.



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N.MALA,J.

msv

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