



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-07-2025

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**THE HONOURABLE MRS JUSTICE J. NISHA BANU
AND
THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN**

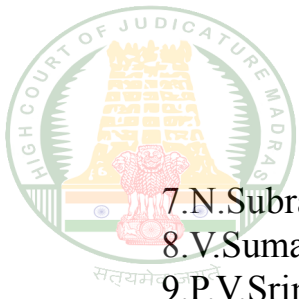
W.A.No.2101 of 2025

C.Rajeswari

.. Appellant

Vs.

- 1.The Registrar of Cooperative Societies,
Kilpauk, Chennai-600 010.
- 2.The Joint Registrar of Cooperative Societies,
Krishnagiri Region, Krishnagiri.
Krishnagiri District.
- 3.The Deputy Registrar of Cooperative Societies,
Hosur Circle, Hosur, Krishnagiri District.
- 4.The Superintendent of Police,
CCIW CID, Guindy, Chennai.
- 5.The President,
D.K.80, Berigai Primary Agricultural
Cooperative Credit Society,
Soolagiri Road, Berigai,
Soolagiri Taluk,
Krishnagiri District - 635 105.
- 6.Mr.V.Anand, President,
D.K.80, Berigai Primary Agricultural
Cooperative Credit Society,
Soolagiri Road, Berigai, Soolagiri Taluk,
Krishnagiri District - 635 105.



7.N.Subramaniyan,
8.V.Sumathi
9.P.V.Srinivas,
10.M.Sathyannarayanan
11.R.Somasekar,
12.Narayanappa

.. Respondents

PRAYER Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 22.01.2025 made in W.P.No.5903 of 2019.

For Appellant : M/s.S.Sathiaseelan

For Respondents : Mrs.E.Ranganayaki,
Additional Government Pleader
for R1 to R3 & R6

Mr.M.S.Palaniswamy for R5

JUDGMENT

(Judgment of the Court was made by J.Nisha Banu J.)

This Writ Appeal is filed as against the order of the Writ Court dated 22.01.2025 made in W.P.No.5903 of 2019.

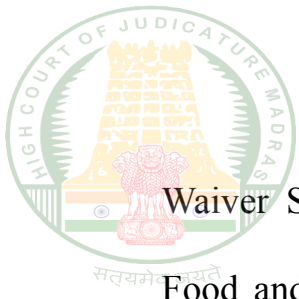
2. The writ petitioner is the appellant herein. It is the case of the appellant / writ petitioner that she obtained agricultural term loan for Rs.1.5 Crores from the 5th respondent Cooperative Society by mortgaging her property admeasuring 4.5 acres. The appellant claims that she had repaid a sum of Rs.47/- lakhs towards principal amount and Rs.72/- lakhs towards interest as on the date of filing the writ petition. It is averred by the appellant/writ



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petitioner that the President of the 5th respondent Society insisted on the appellant to execute a Power of Attorney in the name of the friend of the President, who is the 7th respondent herein. The appellant and her husband executed a Power of Attorney in the name of the 7th respondent on 11.12.2017. Thereafter, the 7th respondent had executed a sale deed in favour of the wife of the President, namely the 8th respondent, who executed a Power of Attorney in favour of the 7th respondent. Again thereafter, four separate sale deeds were registered in favour of the respondents 9 to 12. According to the appellant, the property of the appellant had been grabbed by the said respondents and in order to enquire into the alleged malpractice, the petitioner has filed the aforesaid writ petition and sought for a direction to the 1st respondent to conduct proper enquiry by appointing an Enquiry Officer not below the rank of Additional Registrar of Cooperative Societies and to take further action on the basis of the report to be filed by the Enquiry Officer.

3. It was contended on behalf of the respondents before the Writ Court that as against the husband of the appellant, enquiry was conducted under Section 81 of the Tamil Nadu Cooperative Societies Act [in short "Act"] and thereafter, surcharge proceedings under Section 87 of the Act was also initiated. Further, an FIR was also registered against the appellant and her husband. The appellant earlier filed W.P.No.28192 of 2018 to extend the benefits of the Loan



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Waiver Scheme to the appellant consequent to G.O.Ms.No.50, Cooperation, Food and Consumer Protection Department dated 23.05.2016. The said writ petition was dismissed by this Court, against which the appellant filed W.A.No.780 of 2019, wherein vide judgment dated 12.03.2019, the Division Bench directed an officer not below the rank of Additional Registrar of Cooperative Societies to examine the entire issue with regard to disbursement of loans. Since the Division Bench had not given reasoning with regard to the alleged land grabbing of the petitioner's property, the appellant has filed the aforesaid writ petition, which came to be dismissed, against which the instant writ appeal has been filed.

4. The learned counsel appearing for the appellant would contend that the previous report of the Additional Registrar of Cooperative Societies was only in the nature of Section 81 Enquiry Report, wherein no conclusive report touching upon the relief sought for in the present writ petition i.e., grabbing of petitioner's agricultural lands mortgaged with the 5th respondent Society and the learned Single Judge ought to have granted liberty to the appellant to approach the Civil Court and therefore, prays for interference.

5. Heard the learned Additional Government Pleader appearing for the respondents 1 to 3, learned counsel appearing for the 5th respondent and also



perused the materials on record.

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6. The fact remains that Surcharge Proceedings under Section 87 of the Act were initiated against the husband of the appellant, based on the enquiry report submitted under Section 81 of the Act and subsequently, an FIR came to be registered arraying the appellant as the 2nd accused and her husband as the 1st accused for the alleged misappropriation to the tune of Rs.14/- Crores.

7. The appellant alleges that her agricultural lands were grabbed by the respondents 7 to 12, based on the Power of Attorney executed by the husband of the appellant. Admittedly, no relief was sought for by the appellant to cancel the Power of Attorney, which formed the basis for execution of several other documents and also the appellant did not sought for any relief to declare all those documents as null and void.

8. It is a matter of record that the appellant had not sought any direction from the Division Bench in W.A.No.780 of 2019 to expand the scope of enquiry against the alleged misappropriation. In our considered view the Writ Court rightly found that the appellant is raising one claim after the other, particularly when she is an accused in a criminal case registered for misappropriation of funds from the cooperative society. Taking such view, the



learned Single Judge had dismissed the writ petition. This Court finds no reason to interfere with the well considered findings rendered by the Writ Court and finds no merit in this writ appeal.

9. Accordingly, this Writ Appeal stands dismissed. There shall be no order as to costs.

(J.NISHA BANU J.)

(M.JOTHIRAMAN J.)

09-07-2025

mst

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

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W.A.No.2101 of 2



J.NISHA BANU, J.,
AND
M.JOTHIRAMAN, J.

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