



WP.No.25299/2025

1IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED 11.07.2025

CORAM

**THE HONOURABLE MRS. JUSTICE N.MALA**

**WP.No.25299/2025 & WMP.Nos.28484 & 28486/2025**

S.S.Prabhakaran

..

Petitioner

Versus

- 1.The Deputy Registrar of Cooperative Societies  
Gobichettipalayam Region,  
Gobichettipalayam 638 476, Erode District.
- 2.The Sale Officer / Cooperative Sub Registrar  
K.1369, Savandapur Primary Agricultural  
Cooperative Thrift Society, Savandapur 638 502  
Erode District.
- 3.The Secretary  
K.1369, Savandapur Primary Agricultural  
Cooperative Thrift Society, Savandapur 638 502  
Erode District.

4.S.S.Ramesh

..

Respondents



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**Prayer:-**

Writ petition filed under Article 226 of the Constitution of India praying for a writ of certiorari calling for the records relating to the impugned auction notice issued dated 07.05.2025 issued by the 1<sup>st</sup> respondent herein and quash the same.

For Petitioner : Mr.K.Govi Ganesan  
For R1 : Mr.M.Muthusamy, GA  
For RR 2 & 3 : Mr.S.Prabhakaran, GA

**ORDER**

(1)Mr.M.Muthusamy, learned Government Advocate accepts notice on behalf of the 1<sup>st</sup> respondent. Mr.S.Prabhakaran, learned Government Advocate accepts notice on behalf of the respondents 2 and 3. By consent, the writ petition is taken up for final disposal.

(2)The petitioner, aggrieved by the public auction notice issued by the 1<sup>st</sup> respondent dated 07.05.2025, directing auction of the subject property on 15.07.2025 at 11.00 a.m., in the premises of the 3<sup>rd</sup> respondent, has filed the present petition.

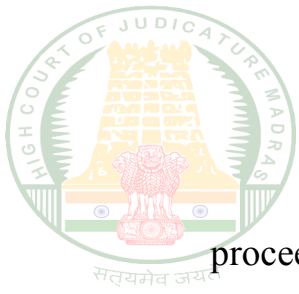
(3)The petitioner's brother, the 4<sup>th</sup> respondent herein, was the President of the 3<sup>rd</sup>



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respondent Society. The 1<sup>st</sup> respondent conducted an enquiry under Section 81 of the Tamil Nadu Cooperative Societies Act, 1983 [for the sake of brevity 'the Act, 1983'] and pursuant to the Enquiry Report, surcharge proceedings were initiated for a sum of Rs.24,53,713/- and the Surcharge Award was passed against the 4<sup>th</sup> respondent on 18.10.2022 for recovery of a sum of Rs.24,53,713/- along with interest @ 14% per annum.

(4)The subject property in SF.No.451/1 and 2 and 452/1 and 2 at Savandapur village, Gobichettipalayam Taluk, Erode District, measuring an extent of 2.25 acres, was attached pending surcharge proceedings. Thereafter, the 1<sup>st</sup> respondent issued impugned auction notice dated 07.05.2025, proposing to bring the subject property for public auction on 15.07.2025, at 11.00 a.m., in the premises of the 3<sup>rd</sup> respondent. The petitioner states that the subject property originally belonged to his mother Kuppayal, who purchased the same under a registered Sale Deed dated 22.01.1997. The petitioner's mother died intestate on 23.07.2013, leaving behind the petitioner, his father and the 4<sup>th</sup> respondent herein, to succeed to the subject property. The petitioner, therefore, states that he is entitled to 1/3<sup>rd</sup> share in the subject property. The petitioner further states that he was totally in dark about the surcharge

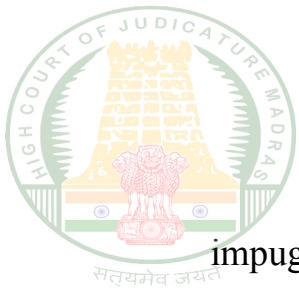


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proceedings against the 4<sup>th</sup> respondent and the attachment order over the subject property. The petitioner state he got knowledge of the said proceedings only on 25.06.2025. Immediately, thereafter the petitioner submitted a claim petition / objection to respondents 1 to 3, on 26.06.2025 under Rule 135 of the Tamil Nadu Cooperative Societies, 1988 [in short 'the Rules, 1988']. As the petitioner's objection was not considered, the petitioner has filed the above writ petition for the aforesaid relief.

(5)The learned counsel for the petitioner submitted that the subject property is the ancestral property of the petitioner and the petitioner has 1/3<sup>rd</sup> share in the same. Learned counsel submitted that as the petitioner's 1/3<sup>rd</sup> share was also sought to be auctioned he submitted his objections under Rule 135 of the Rules, 1988. However, the 1<sup>st</sup> respondent even without considering the petitioner's objection continued with the conduct of the auction in violation of the said Rule. The learned counsel therefore submitted that the impugned proceedings deserved to be quashed. Learned counsel relied on the judgment of this Court dated 08.08.2024 in WP.No.5913/2024 in support of his submissions.

(6)Learned Special Government Pleader for the respondents submitted that the



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impugned auction notice was issued on 07.05.2025, pursuant to the order of attachment passed by the Deputy Registrar of Cooperative Societies. The learned Special Government Pleader, submitted that the impugned auction notice was issued as early as on 07.05.2025, but the petitioner submitted his objections invoking Rule 135, only on 26.06.2025. Learned counsel submitted that the petitioner ought to have submitted his objections earlier, but for reasons best known to the petitioner, he waited for the auction notice to be issued and thereafter, submitted his objection under Rule 135 of the Rules, 1988. The learned Special Government Pleader submitted that there are no merits in the writ petition and the same deserved to be dismissed.

(7) Heard the learned counsels on either side and also perused the materials placed on record.

(8) The facts are not disputed. The only question that arises for consideration is whether the official respondents can continue with the auction proceedings in pursuance of the impugned auction notice dated 07.05.2025, without disposing the petitioner's objections dated 26.06.2025, filed under Rule 135 of the Tamil Nadu Co-operative Societies Rules, 1988?

(9) Admittedly the order of attachment was issued much before the impugned



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auction notice. However, the petitioner claims that he came to know of the impugned auction notice from one of the prospective purchasers, who furnished the photocopy of the auction notice to him. He thereafter submitted his objections, invoking Rule 135 of the Tamil Nadu Co-operative Societies Rules 1988.

(10)At this juncture it would be relevant to refer to Clause [2] of Rule 135 of the said Rules, which empowers the Sale Officer to postpone the sale pending the investigation of the claim or objection, where the property to which the claim or objections relates has been advertised for sale. As the auction is scheduled to be held on 15.07.2025 and the petitioner had submitted his objections as early as on 26.06.2025, the 1<sup>st</sup> respondent in all fairness, ought to have considered the same. The failure to consider the petitioner's objections amounts to a violation of the rights conferred on him under Rule 135 of the Rules, 1988.

(11)On identical facts, a learned Single Judge of this Court in WP.No.5913/2024 ***[K.Madheswari Vs. The Deputy Registrar of Cooperative Societies, Sankagiri Region, Sankagiri and Others]*** by order dated 08.03.2024, disposed of the writ petition by issuing directions. In my considered view, the



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said order squarely applies to the facts of the present case.

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(12)Therefore, in the light of the aforesaid judgment, the following directions are issued:-

- (i) it shall be incumbent upon the concerned authority to immediately examine the claim/objection dated 26.06.2025 of the Petitioner, filed under Rule 135 of the Rules, 1988, to the First and Second Respondents, against the attachment of the property made by the concerned authority, including ascertaining as to whether the Petitioner would be entitled for the relief claimed;*
- (ii) if it is found that any other details or supporting documents are necessary, the deficiencies in that regard shall be informed in writing to the Petitioner or any other person as may be deemed necessary requiring the same to be furnished within a time frame of not less than 15 days for the same;*
- (iii) in the event of not being satisfied with the requirements even thereafter, an enquiry shall be conducted affording full opportunity of personal hearing to the Petitioner and all other persons concerned to explain their position in that regard;*



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(iv) *a reasoned order shall be passed dealing with each of the contentions raised on merits and in accordance with law and the decision taken communicated under written acknowledgment;*

(v) *any proposal for sale of the attached property through public auction or otherwise for the realization of the dues claimed from the Fourth Respondent shall be deferred till the aforesaid exercise is completed; and*

(vi) *if any adverse decision is taken, the Petitioner may pursue legal remedies before the proper forum in the manner recognized by law.*

(13) Accordingly, the writ petition stands **disposed of with the above directions.**

No costs. Consequently, connected miscellaneous petition is closed.

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AP

Index: Yes / No

Internet: yes/No

Speaking Order: Yes / No

Neutral Citation: Yes/No

**NOTE: Issue order copy on 14.07.2025**



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**N.MALA, J.**

**AP**

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