



WEB COPY

W.P.No.34529 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.09.2025

CORAM:

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

Writ Petition No.34529 of 2025
and WMP No.38687 of 2025

P. Latha

... Petitioner

Vs.

1. The Principal Secretary to Government
Department of Co-operative Society,
Fort St. George, Chennai 600 009.
2. The Registrar,
Office of the Registrar of Co-operative Society,
NV Natarajan Maligai,
No.170, Periyar E.V.R. High Road,
Kilpauk, Chennai 600 010.
3. The Joint Registrar,
Office of the Joint Registrar of Co-operative Society,
Villupuram Region,
Master Plan Complex District Collectorate Campus,
Villupuram 605 602.
4. F.V.107, Villupuram Educational District School
Education Employees Co.Op. Thrift & Credit Society Ltd.,
Rep. By its Secretary,
No.366, Sudhakar Nagar Main Road,
CRP Complex, Villupuram 605 602.



5. The Chief Educational Officer,
Villupuram,
Villupuram District 605 602.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the order made in vide, A.No.10032 dated 20.06.2025 issued by the fourth respondent and to quash the same and subsequentl direct the fourth respondent not to initiate recovery proceedings for the above said loan from the petitionr's salary.

For Petitioner : Mr.N.Vijayakumar

For Respondents : Dr.S.Suriya
Additional Government Pleader,
for RR 1 to 3 & 5

Mr.P.Vijayadevi, for R4

ORDER

I heard Mr.N.Vijayakumar, learned counsel for the petitioner, Dr.S.Suriya, learned Additional Government Pleader for the respondents 1 to 3 and 5 and Ms.P.Vijayadevi, learned counsel for the fourth respondent.



WEB COPY

W.P.No.34529 of 2



2. The petitioner challenges the pre-arbitration notice that has been issued by the fourth respondent.

3. The petitioner's husband, one, Murugan had availed loan to the tune of Rs.3,00,000/- from the fourth respondent. He was a member of the fourth respondent Society. After deduction of the deposit amount of R.30,000/-, he received a sum of Rs.2,70,000/-. He passed away on 01.03.2009.

4. The petitioner claims that a notice was issued to her calling upon to pay a sum of Rs.9,64,570/- on 22.06.2023. Instead of proceeding further by initiating the Arbitration proceedings, she has been visited with the impugned order for an amount of Rs.9,48,365/-. She pleads that the fourth respondent cannot initiate arbitration proceedings, since the recovery of amount that had been received by her husband is barred by time.

5. All these issues can be addressed before the Arbitrator, when



WEB COPY

proceedings under Section 90 of the Tamil Nadu Co-Operative Societies Act are initiated. This is only a demand notice calling upon the legal heirs of the debtor to pay the amount. The Society is always entitled to issue a notice in order to avoid any wasteful litigation. When a notice of arbitration under Section 90 of the Tamil Nadu Co-operative Societies Act, is initiated by the fourth respondent, it is for the petitioner to raise all the defences open to her including that of limitation and get the same dismissed. There cannot be a Mandamus or Certiorari restraining the Society from proceeding further under Section 90 of the Tamil Nadu Co-Operative Societies Act.

6. The Writ Petition is dismissed. There shall be no order as to costs.

Consequently, the connected miscellaneous petition is closed.

15.09.2025

jv

Internet : Yes

Index : Yes/No

Neutral Citation : Yes/No

Speaking order/Non Speaking order



WEB COPY

To

1. The Principal Secretary to Government
Department of Co-operative Society,
Fort St. George, Chennai 600 009.
2. The Registrar,
Office of the Registrar of Co-operative Society,
NV Natarajan Maligai,
No.170, Periyar E.V.R. High Road,
Kilpauk, Chennai 600 010.
3. The Joint Registrar,
Office of the Joint Registrar of Co-operative Society,
Villupuram Region,
Master Plan Complex District Collectorate Campus,
Villupuram 605 602.
4. F.V.107, Villupuram Educational District School
Education Employees Co.Op. Thrift & Credit Society Ltd.,
Rep. By its Secretary,
No.366, Sudhakar Nagar Main Road,
CRP Complex, Villupuram 605 602.
5. The Chief Educational Officer,
Villupuram,
Villupuram District 605 602.



WEB COPY

W.P.No.34529 of 2



V. LAKSHMINARAYANAN, J.

jv

Writ Petition No.34529 of 2025
and WMP No.38687 of 2025

15.09.2025