



WEB COPY

WP No. 38302 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-12-2025

CORAM

THE HON'BLE MR.JUSTICE V. LAKSHMINARAYANAN

W.P.No.38302 of 2024 and

W.M.P.No.41464 of 2024

M.Bala, W/o.Moorthi,
No.586-A, Nehru Nagar,
Vengikkal (Village & Post),
Tiruvannamalai (Dt).

..Petitioner(s)

Vs

1. The Deputy Registrar Of Co- Operative Societies,
Tiruvannamalai Circle.
2. The Joint Sub -Registrar- II,
Registration Department,
Tiruvannamalai (Dt).
3. The Secretary,
V.T.654, Vengikkal Primary Agricultural
Cooperative Credit Society Ltd.,
Vengikkal Village and Post,
Tiruvannamalai.

..Respondent(s)

PRAYER : Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records of the conditional attachment order passed by the 1st respondent in C.E.P.No.03/2017-2018 dated 19.07.2017 (received by the petitioner on 29.11.2024) under Section 167 Tamil Nadu Cooperative Societies Act, 1983, and quash the same and direct the respondents to raise the order of attachment on the file of the 2nd respondent.

For Petitioner(s) : Mr. L.P. Shanmugasundaram

For Respondent(s): Mr.S.Ravikumar, SGP for R1 & R3



Mr.Stalin Abimanyu, AGP for R2

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ORDER

The petitioner challenges an order of attachment passed by the first respondent invoking Section 167 of the Tamil Nadu Cooperative Societies Act and Rules made thereunder.

2. Heard Mr.L.P.Shanmugasundaram, learned counsel for the petitioner, Mr.S.Ravikumar, learned Special Government Pleader for R1 & R3 and Mr.Stalin Abimanyu, learned Additional Government Pleader for R2.

3. The petitioner's husband one Mr.Moorthi was the President of the third respondent Society. Alleging that he had malversed the funds of the Society, surcharge proceedings have been initiated against him. In the said proceeding, the property which the petitioner claims, as her own, has been attached. Challenging the same, the present Writ Petition.

4. Though Mr.L.P.Shanmugasundaram pleads that the petitioner's property cannot be attached, since she had purchased the property in the year 2006, much before her husband became the President of the third respondent Society, for the reasons said forth hereunder, I am not inclined to entertain the said plea.

5. The affidavit discloses that the petitioner had purchased the property from one Suseela on 14.06.2006 by way of a registered document in Document



No.4489 of 2006. It also discloses that she had executed a power of attorney in favour of one Agasthiya Ganesh on 30.04.2015 in Document No.3580 of 2015, registered on the file of the Sub-Registrar, Tiruvannamalai. The affidavit further discloses that the said Agasthiya Ganesh in exercise of power of attorney granted to him, had alienated the property in favour of his wife Latha on 10.02.2006 and registered the sale in Document No.934 of 2016. The petitioner states that she was shocked and surprised that a document executed for security purpose had been misused by the said Agasthiya Ganesh and he had executed a sale deed in favour of his wife.

6. Mr.L.P.Shanmugasundaram, states that the complaint against the said Agasthiya Ganesh is pending before the Judicial Magistrate – I, Tiruvannamalai in C.C.No.59 of 2022 and a suit is also said to be pending on the file of the Additional District Judge, Tiruvannamalai in O.S.No.81 of 2019.

7. The position as on today is the title has passed from the petitioner to Ms.Latha. Unless and until the petitioner is able to get declaration that the sale deed executed by Agasthiya Ganesh in favour of Ms.Latha is null and void, the title will not re-vest with the petitioner. As on today, the petitioner is not the owner of the property. Whether the document was executed in a fraudulent manner or otherwise, it has to be decided by the learned Additional District Judge in the pending suit. In the event the suit is decreed, the petitioner can always move this Court or the first respondent and stake a claim over the



property. As on today, there is a registered document of transfer, transferring the property from the writ petitioner to the name of Ms.Latha. Since the petitioner as on today does not have any substituting right over the property, I am not inclined to entertain this Writ Petition.

8. Accordingly, this Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

08-12-2025

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
GSK

To

- 1.The Deputy Registrar Of Co- Operative Societies,
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V.LAKSHMINARAYANAN J.

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