



W.P.No.41858 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.11.2025

CORAM :

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

W.P.No.41858 of 2025
and
W.M.P.Nos.46896 and 46898 of 2025

G.Ganesan

.. Petitioner

VS

1. The Joint Registrar of Cooperative Societies,
3rd Floor, District Collectorate Campus,
Nagapattinam – 611 003.
2. The Deputy Registrar of Cooperative Societies,
3rd Floor, District Collectorate Campus,
Nagapattinam – 611 003.
3. The President,
Z.C.73, Aymoor Primary Agricultural
Cooperative Credit Society Ltd.,
Aymoor, Nagapattinam.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records of the second respondent relating to the Notification of auction sale published in Daily newspaper Dinamani, dated 17.10.2025 and quash the same and consequently, direct the respondents not to conduct the auction sale on 04.11.2025 or on any subsequent dates.



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For Petitioner : Mr.P.Anbarasan

For Respondents : Mr.E.P.Senniyangiri
Government Advocate for R1 and R2
Mr.K.Tamilvendan
Government Advocate for R3

ORDER

The petitioner challenges the auction notification issued by the second respondent on 17.10.2025. The case of the petitioner is that he had joined in the third respondent Society as a Salesman, and by dint of hard work, he was promoted from that post to that of a Fertilizer Seller, and finally, retired as a Secretary of the Society. He further states that he retired on 30.11.2022 [wrongly mentioned in the affidavit as 31.12.2022]. The petitioner alleges that he has been recognised for his meritorious service by the District Collector, Nagapattinam, as well as by the Joint Registrar of Cooperative Societies, Nagapattinam, for having recovered 100% of loans that had been disbursed by the third respondent Society.

2. The petitioner states that he was given additional charge as



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Secretary for ZC-73, Aymur Primary Agricultural Cooperative Credit Society on 15.03.2019, and he carried on in the said office till 01.12.2022. He states that for no mistake on his, an order of attachment was passed by the second respondent in the year 2023. The second respondent had invoked the provisions of Section 167 of the Tamil Nadu Cooperative Societies Act, 1983, ordering the attachment of property belonging to his wife, one Selvarani, which stood exclusively in her name.

3. The fulcrum of the case of the petitioner is that, an order of attachment had been passed arbitrarily even before a surcharge order had been rendered, without conducting any enquiry or giving an opportunity for the petitioner to explain his stance. He pleads ignorance of any surcharge proceedings purportedly initiated, on the basis of which the present impugned auction notice has now been issued.

4. Taking note of the allegations, I directed Mr.E.P.Senniyangiri, to take notice for respondents 1 and 2 and Mr.K.Tamilvendan, Government Advocate, to take notice for the second respondent and to get instructions. I adjourned the matter to today.



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5. When the matter was called, E.P.Senniyangiri produced an order of the Deputy Registrar of Cooperative Societies, Nagapattinam, in Na.Ka.No.1812/2023/சூ.ந./106/5/2024, dated 06.05.2024. He states that the Deputy Registrar had conducted surcharge proceedings in terms of the Tamil Nadu Cooperative Societies Act,1983, and had come to the conclusion that the petitioner and others are jointly liable to pay a sum of Rs.44,54,351.25/-. He further states that the petitioner was found responsible for having caused the loss to the Society and the same has been found in several portions of the surcharge proceedings.

6. Mr.K.Tamilvendan, inviting my attention to the letter addressed by the petitioner on 02.01.2024, points out that the petitioner had alleged that, at best, his responsibility, if at all, would be Rs.7,68,395.25/- under heading No.3, and Rs.11 lakhs under heading No.6.

7. Hence, Mr.K.Tamilvendan argues that the petitioner's liability would be around Rs.18,00,000/-.

8. Against the order of surcharge, an appeal lies before the learned



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Principal District Judge-cum-Cooperative Tribunal at Nagapattinam.

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This appeal is a statutory right available to the petitioner. Though Mr.Anbarasan pleads that the surcharge order has not been served on the petitioner and hence, he was not in a position to file an appeal, Mr.E.P.Senniyangiri asserts the position that throughout the proceedings, due notice was served on the petitioner, and the impugned order was also served on him once the proceedings had been finalised.

9. Be that as it may, today, Mr.E.P.Senniyangiri has handed over a copy of the surcharge order to the learned counsel appearing for the petitioner. Hence, I dispose of the writ petition giving following directions :

(i) The petitioner is at liberty to file an appeal against the surcharge order passed by the Deputy Registrar, Nagapattinam within a period of 30 days from today;

(ii) In case, the appeal is filed within the said period, the Registry of the Principal District Judge-cum-Cooperative Tribunal, Nagapattinam shall receive the appeal, and number it without insisting on an application to condone the delay;

(iii) The petitioner shall deposit a sum of Rs.7.5 lakhs within a



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period of four weeks from today to the credit of the third respondent

Society;

(iv) If the amount of Rs.7.5 lakhs is deposited, the auction will be deferred;

(v) In case, the amount is not deposited, the respondents are free to proceed and conduct the auction; and,

(vii) There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

06.11.2025

Speaking order/non-speaking order
Index : Yes/no
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To

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V. LAKSHMINARAYANAN, J.

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