



W.P.No.45469 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.11.2025

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THE HONOURABLE MR.JUSTICE **V. LAKSHMINARAYANAN**

W.P.No.45469 of 2025
and W.M.P. No.50663 of 2025

P.Krishnan

.. Petitioner

VS

1.The Joint Registrar of Co-operative Societies,
O/o.Joint Registrar of Co-operative Societies,
Near Abi Hospital, Karatadipalayam,
Sakthi Main Road,
Gobichettipalayam Post and Taluk,
Erode District.

2.The Secretary,
The Sathy and Gobi Taluk All Co-operative
Institute Employees Co-op Thrift and
Credit Society Ltd.,
SGP Towers, Karattur Road,
Sathiyamangalam – 638 402.

.. Respondents

Petition filed under Article 226 of the Constitution of India
praying for the issuance of a writ of certiorari to call for the records
pertaining to the seizure order dated 19.02.2025 made in
E.P.No.73/2010-11 by the respondent No.1 and quash the same.



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For Petitioner : Mr.P.Vetrivel
For Respondents : Mr.L.S.M.Hasan Fizal.
Additional Government Pleader

ORDER

The petitioner challenges the proceedings of the first respondent whereby an order of seizure has been passed by the said authority in exercise of Section 143 of the Tamil Nadu Cooperative Societies Act, 1983.

2. The undisputed facts are as follows:

2.1 The petitioner was employed with the Gobichettipalayam Agricultural Producers Co-operative Society. He joined as Junior Assistant on 02.04.1981. On 14.02.2004, he availed loan from the second respondent Society to the tune of Rs.50,000/-. The arrangement entered into between the petitioner and the second respondent towards repayment of this amount was that a sum of Rs.1,421/- would be deducted from his salary every month in equitable instalments for a period of five years.



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2.2 For a period of two years and two months, the petitioner did not face any issue and the amounts were deducted from his salary. On 25.04.2006, the petitioner was placed under suspension for alleged acts of misfeasance and malfeasance. Pursuant thereto, a disciplinary enquiry was conducted and the petitioner was dismissed from service on 22.01.2008. From the date of dismissal onwards, the amount towards equitable installment obviously could not be paid. This is because there was no relationship of employer-employee between the petitioner and the co-operative society.

2.3 The petitioner feeling aggrieved over the order of dismissal, preferred a statutory revision, to the Registrar of Co-operative Societies invoking Section 153 of the Tamil Nadu Co-operative Societies Act. The authority took a lenient view of the case and set aside the order of dismissal from service and imposed the punishment of stoppage of increment for a period of one year. The petitioner admittedly did not service the loan from the period of dismissal till reinstatement. The second respondent society treating the petitioner as defaulter proceeded and obtained an award for recovery of the amounts due. The award was for a sum of Rs.45,173/- together with interest at the rate of 16% per annum from 26.11.2009 till the date of recovery.



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2.4 Despite his reinstatement, the petitioner did not satisfy the award. Being left with no other option, the second respondent initiated proceedings before the first respondent in E.P. No.73/2010-2011. The amount claimed as on 31.12.2024 was Rs.45,173/- towards principal amount and Rs.78,312/- towards interest. It is this proceedings issued in Form 2 under Section 143 of the Tamil Nadu Co-operative Societies Act, is the subject matter of challenge before this Court.

3. Mr.P.Vetrivel, learned counsel for the petitioner urged that the interest at the rate of 16% per annum is onerous. He states that the petitioner is willing to pay principal amount of Rs.45,173/- and seeks for reduction in the amount towards interest.

4. Per contra, Mr.L.S.M.Hasan Fikal, learned Additional Government Pleader appearing on behalf of respondents pleads that this Court cannot interfere with the interest amount when the writ petition challenges the execution proceedings.

5. I have carefully considered the submissions of both sides and I have gone through the records.



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6. As the facts have already been set forth in the earlier portion of the judgment, I am not reiterating the same in this portion of the judgment.

7. The challenge, as rightly pointed out by Mr.L.S.M.Hasan Fizal, is only to the execution proceedings. The Joint Registrar of Co-operative Societies while exercising the power of execution cannot go behind the decree. He would be bound by the same. It is his duty to execute a decree as it stands. He does not have power or jurisdiction to vary the award/decreed already passed. If the petitioner is aggrieved by the award, his remedy is to challenge the award in an appropriate proceedings and seek to avoid his liability in entirety and at the same time seek for reduction in the rate of interest. The petitioner has not chosen that course of action but has filed this writ petition challenging the execution proceedings. Hence, I am of the view that the relief sought for by the petitioner in this writ petition cannot be granted. The writ petition is dismissed. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

8. It is always open to the petitioner to challenge the award in a manner known to law and seek for such appropriate reliefs including reduction in interest in such appeal. It is also open to the



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petitioner to seek for application of any Government Order which grants the relief to the petitioner.

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Index:Yes/No
Neutral Citation:Yes/No
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To

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V. LAKSHMINARAYANAN,J.

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