



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-12-2025

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THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

**WP No. 48397 of 2025
and WMP No. 54038 of 2025**

A.Logambal

Petitioner(s)

Vs

1. The Special Officer
K-1611, Koval Muruga Mills
Labourers Cooperative Credit Society
Coimbatore.

2.The Deputy Registrar
Office of The Deputy Registrar Of
Cooperative Societies
Collectorate Compound, Coimbatore.

Respondent(s)

PRAYER

Calling for the records relating to the auction Notice no.2/2001 SB dated on 24.10.2025 issued by the 2nd respondent society and quash the same as illegal, arbitrary, and without jurisdiction.

For Petitioner(s): M/s.S.Natarajan

For Respondent(s): M/s.K.Tamilvendan, GA, R2
M/s.Anban Bharathi
for Aswini Devi (R1)

**ORDER**

Heard Mr.S.Natarajan for the petitioner and Mr.Tamilvendan for the 1st respondent.

2. The petitioner was a clerk in the 1st respondent society. She was also the Secretary from 1998-1999. While she was the Secretary, a Resolution was passed by the Board of Directors to facilitate LPG connections for its members from Hindustan Petroleum Corporation Limited. The authorized distributor, one M/s.Rukmani Gas Agency, was identified to effect the connections. The applications were processed and 31 connections were given by the said Rukmani Gas Agency, in and about, February 1999.

3. The Society initiated proceedings under the Tamil Nadu Co-operative Societies Act of 1983 (hereinafter 'TNCS Act') and the Rules made thereunder, alleging that under the guise of granting LPG connections to the members, the petitioner as well as three other persons had misappropriated a sum of Rs.1,94,450/-. Joint & several liability was fixed by the Registrar by an order dated 18.12.2009 in Thava Manu 32/2009 SaPa1.

4. Aggrieved by the same, the petitioner & another person preferred appeals before the Co-operative Tribunal cum Principal District Judge at



Coimbatore. These appeals were received at C.M.A. No. 118 of 2010 and C.M.A. No.127 of 2010. The appeal filed by the petitioner was C.M.A. No. 118/2010, and that filed by the Vice President of the society was C.M.A. No. 127/2010.

5. The learned Principal District Judge at Coimbatore clubbed both the appeals as they have arisen against the same order and heard them. He did not find any merits in both the appeals and dismissed the same by way of an order dated 12.09.2012. The petitioner challenged this order by way of a writ petition in W.P. No. 16309 of 2013. This Court confirmed the order of the Registrar and that of the Principal District Judge, and dismissed the writ petition on 21.12.2017. Against the order in the writ petition, the petitioner filed a writ appeal in W.A. No. 1915 of 2021. A Division Bench of this Court confirmed the orders and dismissed the appeal on 08.07.2024.

6. With the proceedings challenging the original award passed under Section 90 of TNCS Act, having attained the finality on 08.07.2024, the 2nd respondent initiated proceedings in E.P. No. 96/2010/SaPa3.

7. With the decks being cleared to execute the award, a Sale Notice was issued under Form VIII and Form IX of the Tamil Nadu Co-operative Society



Rules 1988. Challenging the same, the present writ petition.

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8. Mr.S.Natarajan urged that the proceedings are fundamentally flawed since the arbitration proceedings had been initiated after a gap of more than six years from the date of the alleged misconduct. In the alternative, he pleads that the property, which is the subject matter of Sale Notice, is not an exclusive property of the petitioner, but belongs to the maternal grandmother of the petitioner. He adds that they do not have title to the property, but only occupying rights. Finally, he urges that the liability of the petitioner is not individualistic, but joint and several with the other three Directors and hence, the petitioner cannot be called upon to bear the entire liability of Rs.1,94,450/- together with interest at 12% from the date of the award. He states that her liability at best would be 1/4th of this amount which she is willing to deposit with the 2nd respondent, together with interest.

9. I have carefully considered the submissions of Mr.Natarajan & I have gone through the records.

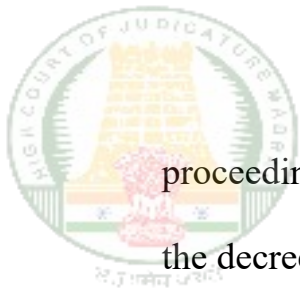
10. Insofar as the first plea is concerned, it cannot be raised during the course of the execution of the award. If at all, it could or should have been raised before the Arbitration or the Co-operative Tribunal at Coimbatore or in



the writ proceedings or in the writ appellate proceedings. All that having been concluded against the petitioner, today it is not open to the petitioner, who is in the same status as the judgment debtor, to make a claim that the original award proceedings itself is time barred.

11. Insofar as the second submission stating that the petitioner is liable only to her extent of alleged misappropriation is concerned hereto, I am not convinced with the submission of Mr.S.Natarajan. This is for the simple reason that a casual reading of the award passed under Section 90 of TNCS Act shows that the liability was fixed jointly and severally and given an option to the Decree Holder /Society either to proceed against the petitioner or against the petitioner and other persons. It is not for the Court to dictate as to how a Decree Holder should execute a decree. As long as the Decree stares at the face of the writ petitioner, she is liable to answer the same. Once she satisfies the decree, it is open to her to claim the amount from the co-judgment debtors under the award.

12. The plea of Mr.S.Natarajan, if it is accepted, it would amount to rewriting the award of the Registrar under Section 90 of TNCS Act. The impugned proceedings is that of an order of sale in execution of the said



proceeding. An Executing Authority or an Executing Court cannot go beyond the decree and modify the same. This writ petition challenging an order bringing the property for sale is further restricted by virtue of the above position of law.

13. Insofar as the last submission that the petitioner is only having occupation rights over the property and not absolute right is concerned, this is an issue, which the purchaser in the auction sale would have to face. Any right, title or interest of the judgment debtor over the property can be attached and brought for auction. It is the headache of the purchaser as an auction sale does not carry with it warranty on title.

14. As all the proceedings have attained finality and since the writ petition today challenges the execution proceedings, I am not inclined to admit the writ petition. The writ petition is dismissed. No costs. Consequently, miscellaneous petition is closed.

15. At this stage, Mr.S.Natarajan states that the petitioner will discharge her liability under the award, if time is granted.



16. It is open to the petitioner to approach the 2nd respondent with this plea and in case, the 2nd respondent feels that there is some genuineness in the plea of the petitioner, I am sure he will consider the case and grant her time for payment.

12-12-2025

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

Maya

To

1. The Special Officer
K-1611, Koval Muruga Mills
Labourers Cooperative Credit Society
Coimbatore.

2. The Deputy Registrar
Office Of The Deputy Registrar Of
Cooperative Societies Collectorate
Compound, Coimbatore.



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V.LAKSHMINARAYANAN J.

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