



W.P.No.48982 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.12.2025

CORAM:

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

W.P.No.48982 of 2025
and
W.M.P.Nos.54706 & 54708 of 2025

S.Vimala

.. Petitioner

Vs.

1. The Joint Registrar,
Cooperative Societies,
Dharmapuri Zone,
Dharmapuri District.

2. The Co-operative Sub Registrar/Sale Officer,
Office of the Dharmapuri Zonal Deputy
Registrar of Co-operative Societies,
Dharmapuri District.

.. Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for an issuance of a Writ of Certiorari, calling for the records comprised in notice dated 14.10.2025 pertaining to the attachment under Section 167 of the Tamil Nadu Co-operative Societies Act, 1983 in Ni.Ma.10/2018-19 in Surcharge order No.2947/2017 Sa.Pa.2, dated 14.10.2025 and Sale Notice issued in Form 7 of the Tamil Nadu Revenue Recovery Act, 1864 as made in Ni.Ma.10/2018-19 in surcharge order



W.P.No.48982 of 2025

No.2947/2017 Sa.Pa.2, dated 14.10.2025 on the file of the 2nd respondent, for attachment of the property belonging to the petitioner as well as bringing the same for public auction and quash the same.

For Petitioner : Mr.R.Bharanidharan
For Respondents : Ms.Geetha Thamaraiselvi
Special Government Pleader
for R1 and R2
: Mr.U.Baranidharan
Special Government Pleader for R3

ORDER

The writ petition is filed challenging the proceedings initiated by the second respondent vide Ni.Ma 10/2018-19 in surcharge order No.2947/2017 Sa.Pa 2 dated 14.10.2025 and quash the same.

2. The claim of the petitioner is that, she is working as an LIC agent. From and out of the income generated by her, she had purchased the property, which is the subject matter of proceedings, before the 2nd respondent.

3. The petitioner states her husband was working as a Secretary in the 3rd respondent / Society. Noticing certain financial irregularities, her husband was placed under suspension. Subsequently, surcharge



W.P.No.48982 of 2025

proceedings were initiated, which ended against her husband. Her husband preferred an appeal before the Co-operative Tribunal cum Principal District Judge at Dharmapuri in CMA.No.4 of 2019. She pleads the appeal is pending as on today.

4. She pleads that her husband had been served with the notice calling upon him to pay a sum of Rs.1,06,93,284/- towards the surcharge award. She pleads that the issuance of notice in so far as the petitioner's property is concerned is arbitrary, illegal and hence she is entitled for the relief sought for in the writ petition.

5. I heard *Mr.R.Bharanidharan*, for the petitioner. I have gone through the records.

6. The proceeding impugned before me is a Sale Notice that has been issued by the 2nd respondent. In terms of Rule 135 of the Tamil Nadu Co-operative Societies Rules of 1988, where a claim is made that the property does not belong to the judgment debtor / respondent in the



W.P.No.48982 of 2025

surcharge proceedings, the aggrieved party by law is entitled to make a claim or objections to the attachment. Reading of Rule 135 of the Tamil Nadu Co-operative Society, Rules, 1988 shows it is akin to Order 21 Rule 58 of the Code of Civil Procedure. Further more, even if the petitioner loses before the Sale Officer, she is entitled to file a statutory suit, which is also akin to the procedure under Order 21 Rule 63 (before amendment Act 104 of 1976) and prove her claim to the property. The benefit of calling upon the petitioner to avail such a remedy is that, the petitioner can not only let in documentary evidence but also tender oral evidence to substantiate her right over the attached property. That benefit is not available to the petitioner in a writ proceedings. Hence, the writ petition is **dismissed**. The petitioner is at liberty to avail the remedy available under Rule 135 of the Tamil Nadu Co-operative Societies Rules, 1988.

7. At this stage, *Mr.R.Bharanidharan*, states in case the property is sold before the claim petition is dismissed, it will create third party interest and thereafter, it will become difficult for the petitioner to assert her independent right over the property.



W.P.No.48982 of 2025

WEB COPY

8. The 2nd respondent shall defer the sale proposed by him by a period of 45 days from the date on which the petitioner files her claim petition. The deferment will be subject to the petitioner cooperating with the disposal of the claim petition. In case, the Sale Officer is of the view that the petitioner is trying to drag on the proceedings, at the end of 45 days, he is at liberty to proceed further.

9. *Mr.R.Bharanidharan*, states that the claim petition will be filed by **26.12.2025**. The 2nd respondent shall dispose of the petition within a period of 45 days, therefrom. Till then, as directed above, the sale in so far as the properties covered under the claim petition, shall stand deferred. No costs. Connected miscellaneous petitions are closed.

18.12.2025

Index:Yes/No
Speaking Order :Yes/No
Neutral Citation:Yes/No
veda



WEB COPY



W.P.No.48982 of 2025

V.LAKSHMINARAYANAN,J.

veda

To

1. The Joint Registrar,
Cooperative Societies,
Dharmapuri Zone,
Dharmapuri District.
2. The Co-operative Sub Registrar/Sale Officer,
Office of the Dharmapuri Zonal Deputy
Registrar of Co-operative Societies,
Dharmapuri District.

W.P.No.48982 of 2025

and

W.M.P.Nos.54706 & 54708 of 2025

18.12.2025