



*W.P.(MD)No.7609 of 2025*

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**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED: 20.03.2025**

**CORAM:**

**THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH**

**W.P.(MD)No.7609 of 2025**

**and**

**WMP (MD) No.5748 of 2025**

G.Meenambal

: Petitioner

**Vs.**

1. The Regional Deputy Registrar (Housing)/surcharge Office,  
Tiruchirappalli Region,  
Samathu Palli Street,  
Kajamalai Post,  
Trichy District.

2. M.M.124 Karur Co-Operative Housing Society,  
Rep. by its Administrator,  
Rajeev Gandhi Nagar,  
Vengamedu,  
Karur - 639 006.

: Respondents

**PRAYER:** Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari calling for the records pertaining to the impugned order passed by the first respondent in Na.Ka.No. 05/2025/SaPa dated 27.01.2025 in so far as the petitioner is concerned and quash the same.

For Petitioner : Mr.P.R.Prithiviraj



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*W.P.(MD)No.7609 of 2025*

For Respondents : Mr.J.K.Jayaselan

Government Advocate

## **ORDER**

Challenging the surcharge notice dated 27.01.2025, issued by the first respondent under Section 87 of the Tamil Nadu Cooperative Societies Act, 1983, the petitioner has come forward with the present writ petition.

2. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3. The learned counsel for the petitioner submitted that the petitioner's husband, Neduncheliyan, was appointed as the Secretary of the second respondent society. Due to alleged irregularities in his loan account, the petitioner's husband was suspended from service. During the subsequent legal process, the petitioner's husband passed away on 01.09.2020. Thereafter, the petitioner discovered that her property had been attached by the first respondent based on the claim petition. The contention of the learned counsel for the petitioner is that the petitioner



*W.P.(MD)No.7609 of 2025*

WEB COPY

had purchased the subject property between the years 2009 and 2011, whereas the alleged misappropriation occurred in the years 2014–2015. Under these circumstances, the first respondent issued the impugned surcharge notice under Section 87 of the Tamil Nadu Cooperative Societies Act, 1983, without providing an adequate opportunity to the petitioner, which is arbitrary and in violation of the principles of natural justice.

4. The learned counsel for the petitioner further submitted that, under Section 87 of the Act, surcharge proceedings can only be initiated against the legal representative of a present or past servant of the cooperative society who inherits the estate of the deceased individual. In the present case, the petitioner has not inherited any estate from her deceased husband.

5. Per contra, the learned Special Government Pleader, appearing on behalf of the respondents, submitted that pursuant to the irregularities committed by the petitioner's husband, a surcharge notice was issued under Section 87 of the Tamil Nadu Cooperative Societies Act, 1983. The petitioner has also submitted a reply on 13.02.2025. After



*W.P.(MD)No.7609 of 2025*

WEB COPY

considering the reply submitted by the petitioner, the enquiry process is currently ongoing. At this stage, the petitioner has approached this Court prematurely, seeking to stall the outcome of the enquiry proceedings.

6. Heard the learned counsel for the parties and perused the materials on record.

7. Upon considering the submissions made by both parties and taking note of the fact that the enquiry proceedings are ongoing pursuant to the impugned surcharge notice, the petitioner must defend her case before the competent authority. Therefore, this Court directs the first respondent to proceed with the enquiry proceedings initiated under Section 87 of the Act by following due process of law and a final decision shall ultimately be taken within one month from the date of receipt of a copy of this order. The petitioner is directed to participate in the enquiry proceedings. In the enquiry proceedings, the petitioner shall be afforded with reasonable opportunity to present her case before the enquiry officer.



*W.P.(MD)No.7609 of 2025*

8. With the above directions, this writ petition is disposed of.

WEB COPY

No costs. Consequently, connected miscellaneous petition is closed.

**20.03.2025**

Index : Yes / No

Internet : Yes / No

PKN

To

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***W.P.(MD)No.7609 of 2025***

**VIVEK KUMAR SINGH, J.**

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**W.P.(MD) No.7609 of 2025**

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