



W.P.(MD)No.12373 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.12373 of 2025

M.Kuppachi

: Petitioner

Vs.

1. The Deputy Registrar Co-operative Societies,
Office of Deputy Registrar Cooperative Society,
Palani Zone, 11/223 Raja Nagar,
Lakshmipuram,
Palani,
Dindigul District.

2. The Secretary,
A693, Vellapommanpatti,
Primary Agriculture Credit Society,
Vellapommanpatti,
Thummalakundu Post,
Vadamadurai Via,
Vedachandur Taluk,
Dindigul.

: Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the first respondent to receive the surcharge amount of Rs.12,96,742/- from the petitioner by waiving the interest portion of 18 percent or by modifying the interest



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portion of Na.Ka.No.3391/2021/sapa dated 10.10.2022 and consequently direct the 1st respondent to raise the attachment and drop further proceedings of sale in E.P.No.20/2023-2024 on the file of the 1st respondent pertaining to properties in Survey Nos.1502/3p1, 1494, 1501/3A and 1502/2 situated at VAdamadurai village, Vedachandur Taluk, Dindigul District.

For Petitioner : Mr. E.Satheesh

For Respondents : Mr.C.Venkatesh Kumar

Spl. Government Pleader

ORDER

This Writ Petition has been filed seeking a direction to the first respondent to accept the surcharge amount of Rs.12,96,742/- from the petitioner by waiving the interest portion of 18% or by suitably modifying the interest component mentioned in Na.Ka.No. 3391/2021/sapa, dated 10.10.2022 and consequently to direct the first respondent to lift the attachment and drop further proceedings in E.P. No. 20/2023–2024, pending on the file of the first respondent, in respect of the properties situated in Survey Nos.1502/3P1, 1494, 1501/3A, and 1502/2 at Vadamadurai Village, Vedachandur Taluk, Dindigul District.



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

3. When the matter was taken up for hearing, the learned counsel for the parties submitted that a similar issue has already been decided by this Court in W.P.(MD) No.24599 of 2024, dated 17.03.2025, wherein, this Court passed a favourable order to the petitioner therein. However, the learned Special Government Pleader appearing for the respondents submitted that the interest on the surcharge amount payable by the petitioner may be fixed at 10%.

4. Admittedly, this Court has dealt with a similar issue in W.P.(MD) No. 24599 of 2024, dated 17.03.2025 and has passed a favourable order to the petitioner therein and the relevant portion of the same is extracted as follows:

“7. In the judgment relied upon by the learned counsel appearing for the petitioner in WP(MD)No.23582 of 2022 dated 18.10.2022, this Court has fixed the interest at the rate



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of 6% per annum, which would be reasonable for the surcharge amount payable by the petitioner and hence, in this case also, the interest rate is fixed at 6%.

8. Considering the aforesaid submissions and also considering the facts and circumstances of this case, this Court directs the petitioner to pay the surcharge amount of Rs. 5,66,802/- along with interest at the rate of 6% per annum to the first respondent within a period of two months from the date of receipt of a copy of this order and the first respondent, in turn shall receive the said amount and release the petitioner's property which has been attached for sale. In case of failure on the part of the petitioner to pay the amount as aforesaid, the authorities are at liberty to proceed further in accordance with law."

5. In view of the submissions made and after perusal of the order passed by this Court in W.P.(MD) No.24599 of 2024, dated 17.03.2025 , which addresses an identical issue, this Court finds that the petitioner is entitled to similar relief. Therefore, this Court directs the petitioner to pay the surcharge amount of Rs.12,96,742/- along with interest at the rate of 10% per annum to the first respondent within a



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period of two months from the date of receipt of a copy of this order and the first respondent, in turn shall receive the said amount and release the petitioner's property which has been attached for sale. In case of failure on the part of the petitioner to pay the amount as aforesaid, the authorities are at liberty to proceed further in accordance with law.

6. With the above directions, this writ petition stands disposed of. No costs.

28.04.2025

Index : Yes / No

Internet : Yes / No

PKN

To

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VIVEK KUMAR SINGH, J.

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