



W.P.(MD) No.16882 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

**W.P.(MD) No.16882 of 2025
and
W.M.P.(MD) Nos.12778 & 12781 of 2025**

K.P.S.Indra

... Petitioner

Vs

1. The Registrar of Co-operative Societies,
Office of Registrar of Co-operative Societies,
Kilpauk, Chennai.
- 2.The Regional Joint Registrar of Co-operative Societies,
Office of Regional Joint Registrar of Co-Operative Societies,
Madurai Region, Palanganatham,
Madurai 625 003.
- 3.The Deputy Registrar of Co-operative Societies,
Office of Deputy Registrar of Co-Operative Societies,
Madurai Circle, Palanganatham,
Madurai - 625 003.
- 4.The Administrator / Co-operative Sub Registrar,
A2401 Othakadai Co-operative Urban Credit Society Ltd,
Othakadai, Madurai District.



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5.The Junior Inspector / Sale Officer,
Office of Deputy Registrar of Co-operative Societies,
Madurai Circle, Madurai North,
Madurai District.

6.The Sub Registrar,
Chettikulam,
Madurai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus to call for the records relating to the impugned attachment order passed by the third respondent in E.P.No. 71/2024-2025/ST in Na.Ka.No.415/2025/SR(3) dated 28.05.2025 and quash the same as illegal and consequently, direct the respondents to raise the attachment over the petitioner property bearing S.No.6/3 to an extent of 2 cents 102 ½ sq.ft, situated at Parasuramanpatti Village, Madurai North Taluk, Madurai.

For petitioner : Mr.K.Mahendran

For respondents :Mr.D.Gandhiraj
Special Government Pleader

ORDER

This Writ Petition is disposed of at the time of admission after hearing the learned counsel for the petitioner and learned Special Government Pleader for the respondents.



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2. The petitioner has challenged the impugned Attachment Order passed by the third respondent/Deputy Registrar of Co-operative Societies.

3. It appears that the petitioner is the wife of one Asiriya Thevan, who was serving as a Secretary to the A2401 Othakadai Co-operative Urban Credit Society Ltd and who has been proceeded under the provisions of the Tamil Nadu Co-operative Societies Act, 1983.

4. It appears that the Surcharge Order has been passed against the petitioner's husband on 28.05.2023.

5. The specific case of the petitioner is that the subject property is owned by the petitioner and was purchased by the petitioner in the year 2000 itself, out of her own savings as she was employed as a Pharmasist in KPS Medicals, even before the petitioner's marriage with her husband in the year 1992.

6. It is further case of the petitioner that on the subject property, the petitioner has built a house by obtaining loan from Repco Home Finance in the



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year 2003 and therefore, there is no merits in the impugned attachment Order.

7. Specifically, the learned counsel for the petitioner has placed reliance on the decision of the Hon'ble Division Bench of this Court in W.P.(MD) No.1511 of 2018, dated 11.12.2018 in the case of ***The Management, R.A.No.18, Thiruvengadapuram Primary Agricultural Co-operative Credit Society vs. S.Rathinam and another***, wherein after hearing the parties, the Court held as under:

“8. As per the provisions of the Tamil Nadu Co-operative Societies Act and the Rules, this Court is of the view that the appellant cannot presume that every property stands in the name of the wife of delinquent against whom surcharge proceedings are initiated as the property purchased out of the money provided by the delinquent so that the same could be attached as a property of the delinquent.

9. So long as the provision of Co-operativ Societies Act or Rules framed therein do not contemplate a statutory fiction or of a stranger, this Court is of the view that the order impugned in the Writ Petition cannot be sustained. However, it is open to the Registrar or the person authorised by him acting under Section 87 of the Act to initiate action to proceed against the property in accordance with law after establishing the fact that the property of a close relative of the delinquent was in fact the property purchased out of money provided by the delinquent. In that view of the matter, we do not find any reason to interfere with the order passed by the learned Single Judge of this Court, allowing the Writ Petition.”



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8. I have considered the arguments advanced by the learned counsel for the petitioner and learned Special Government Pleader for the respondents.

9. The attachment of the property standing in the name of the petitioner cannot be justified, if indeed the property was purchased by the petitioner out of her own savings or earnings as an employee/Pharmacist in KPS Medicals. Hence, the matter would require a detailed consideration.

10. The respondents are at liberty to pass a fresh order, after due notice to the petitioner. All the recovery proceedings should be strictly in accordance with the provisions of the Tamil Nadu Co-operative Societies Act, 1983.

11. If there is an intermingling of the amounts from and out of the activity of the petitioner's husband as the Secretary of the said Society, the attachment can be justified.

12. It is made clear that pending further orders, the respondents shall not bring the property for auction and the petitioner shall also not encumber the



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property.

13. This Writ Petition is disposed of, with the above observations. No costs.

Consequently, connected miscellaneous petition are closed.

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Internet : Yes / No

apd

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C.SARAVANAN, J.

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