



W.A(MD)No.2335 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 18.08.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.A(MD)No.2335 of 2025

and

C.M.P(MD)No.13216 of 2025

Mrs.Venkataishwarya

... Appellant/Petitioner

Vs.

1.The Deputy Registrar of Co-operative Societies,
Musiri, Tiruchirappalli District.

2.The Special Officer,
6561 Kattuputhur Primary Agricultural
Co-operative Credit Societies Ltd.,
Thottiyam,
Tiruchirappalli District.

3.The Sub-Registrar,
Kattuputhur,
Tiruchirappalli District.

...Respondents/Respondents

PRAYER: Writ Appeal filed under Clause XV of the Letters Patent Appeal, to
set aside the order dated 07.04.2025 passed in W.P(MD)No.5420 of 2025.



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For Appellant : Mr.M.Dinesh Hari Sudarsan

For Respondents : Mr.M.Sarangan
Additional Government Pleader

JUDGMENT

(Judgment of the Court was made by ***S.M.SUBRAMANIAM, J.***)

Intra Court appeal on hand has been instituted to assail the writ order dated 07.04.2025 passed in W.P(MD)No.5420 of 2025.

2. The writ petitioner is the appellant before this Court. The writ proceedings has been instituted challenging the conditional attachment order dated 22.04.2010 issued by the Deputy Registrar of Co-operative Societies under Section 167(2) of the Tamil Nadu Co-operative Societies Act, 1983. The learned Single Judge dismissed the writ petition mainly on the ground that the conditional attachment order was issued on 22.04.2010 and the writ petition was filed in the year 2025 after the lapse of 15 years and therefore, the writ petition is not entertained.



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3. The learned counsel for the appellant would contend that the father of the appellant was holding the post of Secretary of Kattuputhur Primary Agricultural Cooperative Credit Societies Ltd. Based on the statutory enquiry report under Section 81 of the Tamil Nadu Co-operative Societies Act, threefold actions were initiated against the father of the appellant. He was subjected to disciplinary proceedings, criminal proceedings through the Commercial Crime Investigation Wing and surcharge proceedings under Section 87. In the surcharge proceedings and the conditional attachment order attaching the property of the father of the appellant was made by the Deputy Registrar of Cooperative Societies by invoking Rule 162 of the Tamil Nadu Co-operative Societies Rules.

4. The learned counsel for the appellant would submit that the father of the appellant originally filed a writ petition challenging the attachment order dated 22.04.2010, which was dismissed and therefore, there is no impediment for the appellant, who is the daughter of the deceased delinquent employee, in the year 2025. The father of the appellant died in the year 2023, thereafter, the petitioner came to know about the legal impediment created to deal with the property belongs to her father, thus, the appellant has chosen to file the writ petition.



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5. The learned Additional Government Pleader appearing for the respondents would oppose by stating that the conditional attachment order was an interim attachment made during the pendency of the surcharge proceedings initiated under Section 87 of the Act. Admittedly, final order under Section 87 of the Act was issued and the appellant filed C.M.A(CS).No.57 of 2010. The said appeal also came to be dismissed by the learned Principal District Judge, Tiruchirappalli. Challenging the said order, the appellant preferred a writ petition before the High Court, which is pending. Even against the order passed under Section 87, a Civil Revision Petition is entertained under Article 227 of the Constitution of India.

6. The facts as detailed would reveal that the impugned order in the writ proceedings is a conditional attachment order and the said order merged with the final order passed under Section 87 of the Tamil Nadu Co-operative Societies Act. The final surcharge order has been taken by way of an appeal before the Cooperative Tribunal and thereafter to the High Court, which is now pending. That being so, the writ against the interim attachment order, which is merged with the final order of surcharge passed under Section 87 is not entertainable and therefore, the decision arrived by the writ Court that the writ petition is not



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maintainable is in consonance with the provisions of the Tamil Nadu Co-operative

WEB SOCIETIES Act. By substituting the above reasons in the present order we confirmed

the writ order. Accordingly, the writ appeal stands dismissed. No costs.

Consequently, connected miscellaneous petition is closed.

(S.M.S., J.) & (G.A.M., J.)
18.08.2025

NCC : Yes / No

Index : Yes / No

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