



W.P.(MD)No.18404 of 2022

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.11.2025

CORAM:

THE HON'BLE MS.JUSTICE P.T.ASHA

W.P.(MD).No.18404 of 2022

and

W.M.P(MD)Nos.13401 of 2022 and 26459 of 2025

1. N.Indira
2. R.Revathy

... Petitioners

Vs.

1. The Joint Registrar of Cooperative Societies,
District Collector Office Campus,
Virudhunagar District.
2. The Deputy Registrar,
Office of the Cooperative Society Deputy Registrar
Srivilliputhur - 626 125.
3. R-41, Srivilliputhur Cooperative Agricultural Procedures Society,
No.22, Pandit Jawaharlal Nehru Road,
(Railway Feeder Road),
Srivilliputhur - 626 125,
through its Special Officer / Chief Manager.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to raise the attachment and to clear entire encumbrances in respect of the properties belonging to the petitioners in Survey No.266, Door Nos.53 and 53A, Chinthamani Street, Rajapalayam, Virudhunagar District and Town Survey No.22/2, Door No.104F and Town Survey No.22/3, Door No.



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104G, Avarampatti, Valayapathi Street, Rajapalayam, Virudhunagar District by considering the petitioners representation dated 04.07.2022 within a time stipulated by this Honble Court and pass such further or other orders as this Honble Court may deem fit and proper in the circumstances of the case and thus render justice.

For Petitioner : Mr.M.P.Senthil
For R1 & R2 : Mr.D.Sasikumar
Additional Government Pleader
For R3 : Mr.D.Shanmugaraja Sethupathi

ORDER

The above writ petition has been filed for the following relief:-

“Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to raise the attachment and to clear entire encumbrances in respect of the properties belonging to the petitioners in Survey No.266, Door Nos.53 and 53A, Chinthamani Street, Rajapalayam, Virudhunagar District and Town Survey No. 22/2, Door No.104F and Town Survey No.22/3, Door No.104G, Avarampatti, Valayapathi Street, Rajapalayam, Virudhunagar District by considering the petitioners representation dated 04.07.2022 within a time stipulated by this Honble Court and pass such further or other orders as this Honble Court may deem fit and proper in the circumstances of the case and thus render justice .”

2. Heard the learned counsel on either side.



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3. Paragraph 12 of the counter affidavit filed by the 3rd respondent is extracted below:-

“12. In the meanwhile, the 3rd respondent society has proceeded with execution proceeding. Since the surcharge amount was not discharged by the legal heirs of Veeraiyan Chettiar, the 3rd respondent society has proceeded with execution proceeding and the house property allotted to one of the legal heir Mr. Radhakrishnan, situated in Door No.105, Valayapathi Street, was sought to be sold in public auction. In pursuance of the public auction held by the Sale Officer, the above house property allotted to Mr.Radhakrishnan was purchased by the 3rd respondent society and set off sale was effected to the decree holder i.e., 3rd respondent society. The Deputy Registrar of Cooperative Societies had issued sale certificate vide Form No.10 as contemplated under Rule 129(3) of the Tamil Nadu Cooperative Societies Rules 1988 vide sale certificate dated 21.12.2015. The sale certificate was also registered in the office of Sub-Registrar, Rajapalayam vide document No. 396/2016 in favour of the Management of the 3rd respondent society. By virtue of the above sale, the title of the house property mentioned above was conveyed to the 3rd respondent society. The 3rd respondent society has become absolute owner of the above house property in Door No.105, Valayapathi Street, Avarampatti.”

4. Therefore, the 3rd respondent society has realised the award amount by sale of the property bearing Door.No.105, Valayapathi, Street. Therefore, once the sale consideration has been used to set off the award amount, the continuance of the attachment in respect of other property is erroneous and arbitrary.



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4. In the light of the above, the writ petition stands allowed.

No costs. Consequently, connected miscellaneous petition are closed.

21.11.2025

NCC :yes/No
Index :yes/No
Internet:yes/No
rgm



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