



W.P(MD)No.22142 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.10.2025

CORAM

THE HONOURABLE MS.JUSTICE P.T.ASHA

Writ Petition(MD)No.22142 of 2018
and W.M.P(MD).Nos.20071 and 20072 of 2018

N.Packiyam

... Petitioner

Vs

1.The Deputy Registrar of Co-operative Societies,
Sivagangai Circle,
Sivagangai District, Sivagangai.

2.RS745, Sooranam Primary Agricultural Co-operative
Credit Society,
rep., by its Secretary,
Sooranam Post, Sooranam,
Ilayangudi Taluk, Sivagangai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari to call for the records pertaining to the impugned notice made in C.E.P.No.02/2018-2019/Ni.Ka.2/Thava.No.02/2018-2019 dated 18.09.2018 as well as the consequential order made in C.E.P.No.02/2018-2019/Ni.Ka.2/Thava.No.02/2018-2019 dated 18.09.2018 passed by the first respondent and quash the same.



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For Petitioner : Mr.P.R.Prithiviraj

For Respondents : Mr.A.Kannan
Additional Government Pleader (for R1)
No representation (for R2)

ORDER

This Writ Petition is filed challenging the impugned notice made in C.E.P.No.02/2018-2019/Ni.Ka.2/Thava.No.02/2018-2019 dated 18.09.2018 as well as the consequential order made in C.E.P.No.02/2018-2019/Ni.Ka.2/Thava.No.02/2018-2019 dated 18.09.2018 passed by the first respondent and quash the same.

2. The learned counsel for the petitioner submitted that the attachment order has been passed on the very same date, when the notice was issued to the petitioner without giving an opportunity to the petitioner to put forward his case. He would further submit that the petitioner's property has been attached for the alleged dues of his son to the second respondent society. Therefore, the impugned order is bad in law and the same has to be necessarily be set aside.



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3. Heard the learned counsel on either side and perused the materials available on record.

4. It is brought to the notice of this Court that the surcharge proceedings against the petitioner's son, Alagarsamy, has also been dropped vide proceedings dated 15.06.2018. Therefore, in all respects the order of attachment cannot be sustained. Accordingly, this Writ Petition is allowed and the order, dated 18.09.2018 passed by the first respondent is set aside. No costs. Consequently, connected Miscellaneous Petitions are closed.

28.10.2025

NCC : Yes/No

Index : Yes/No

Rmk

To

The Deputy Registrar of Co-operative Societies,
Sivagangai Circle,
Sivagangai District, Sivagangai.



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P.T.ASHA, J.

Rmk

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