



W.P.(MD)No.29670 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.10.2025

CORAM

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD)No.29670 of 2025

and

W.M.P(MD).No.22959 of 2025

Thillainayagam

... Petitioner

Vs.

1.The Deputy Registrar,
Cooperative Societies,
Palani, Dindigul District.

2.The Secretary,
A1291 Mannavanur Primary Agriculturalist
Cooperative Credit Society,
Kodaikana, Dindigul District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari to call for the records pertaining to the impugned order issued by the first respondent in C.E.P.No.24/2025-26 dated 29.09.2025 and quash the same as illegal.

For Petitioner : Mr.T.Leninkumar

For Respondents : Mr.A.Kannan
Additional Government Pleader



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ORDER

Challenging the impugned order issued by the first respondent in C.E.P.No.24/2025-26 dated 29.09.2025, the present writ petition has been filed.

2. Heard the learned counsel appearing for the petitioner and Mr.A.Kannan, learned Additional Government Pleader, who takes for the respondents. By consent, this writ petition is taken up for final disposal at the admission stage itself.

3. It is the case of the petitioner that he was issued notice dated 09.09.2025 by the first respondent calling upon him to furnish security for a sum of Rs.29,00,000/- on or before 18.09.2025, alleging that arbitration proceedings in A.R.C.No.01/25-26 was initiated by the second respondent against the petitioner and another person, on the ground that they have misappropriated the aforesaid amount, while the petitioner was serving as the President in the second respondent society. Subsequently, the impugned notice has been issued to the petitioner prohibiting him from transferring or charging the property specified in the schedule annexed by sale, gift or otherwise. According to the petitioner, without affording him an opportunity of hearing to



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put forth his explanation, the impugned notice has been passed, which violates the procedure contemplated under Section 167(2) of the Tamil Nadu Cooperative Societies Act, 1983. Hence, the same is liable to be quashed.

4. The proviso to Section 167(2) of the Tamil Nadu Cooperative Societies Act, 1983, contemplates that the Registrar to record reasons for the unconditional attachment and as this reasoning is not reflected in the impugned order, without going into the merits or otherwise of the case on hand, the impugned order is set aside and the matter is remitted back to the first respondent for considering the application filed by the second respondent afresh, after issuing notice to the petitioner herein. It is needless to state that till such time i.e., such application is disposed of, the petitioner shall not dispose of the property and shall not lease, encumbrance or sale of the property in question. The first respondent is directed to provide all the copies in respect of the application and thereafter, proceed to hear and pass order, on merits and in accordance with law.



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5. This Writ Petition is allowed with the above observations. No costs.

Consequently, connected Miscellaneous Petition is closed.

23.10.2025

NCC:yes/no

Index:yes/no

Rmk

To

- 1.The Deputy Registrar,
Cooperative Societies,
Palani, Dindigul District.
- 2.The Secretary,
A1291 Mannavanur Primary Agriculturalist
Cooperative Credit Society,
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P.T.ASHA, J.

Rmk

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