



W.P.(MD) No.30270 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.11.2025

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.30270 of 2025

and

W.M.P(MD)No.23434 of 2025

Rakkusamy

.. Petitioner

Vs.

1.The District Registrar (Co-operative Societies),
Paramakudi,
Ramanathapuram District.

2.The Deputy Registrar,
Co-operative Societies,
Ramanathapuram.

3.The Inspector of Police,
CCIW Police Station,
Ramanathapuram District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorari, to call for the records relating to the impugned proceedings issued by the 2nd respondent in form 6 dated 23.09.2025 and quash the same as being illegal.



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For Petitioner : Mr.J.Vishnu
For R1 & R2 : Mr.A.Kannan
Additional Government Pleader
For R3 : Mr.S.Prakash
Government Advocate(Crl.Side)

ORDER

This writ petition has been filed for the following relief :

“To to call for the records relating to the impugned proceedings issued by the 2nd respondent in form 6 dated 23.09.2025 and quash the same as being illegal.”

2. The case of the petitioner is that while he serving as the Secretary of Peykulam Primary Agricultural Co-operative Credit Society, enquiry has been conducted under Section 81 of the Tamil Nadu Co-operative Societies Act, 1983 for the period 2015-16. Based on the said enquiry, an allegation regarding the misappropriation of funds has been made against the petitioner which culminated in filing of a criminal case in Crime No.2 of 2018 for the offences under Sections 408, 409, 465, 468, 471, 477A, 420 and 109 of IPC. Subsequently, final report has been



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filed before the Judicial Magistrate No.I, Ramanathapuram in C.C.No. 208 of 2018 and the same is pending. Meanwhile, notice under form 6, dated 23.09.2025 initiating confiscation proceedings on the same set of allegations, has been issued. Challenging the same, the petitioner is before this Court.

3. Heard the learned counsels on either side.

4. When the matter is taken up for hearing today, the petitioner has filed an undertaking affidavit not to alienate, mortgage, lease, gift or in any other manner encumber the properties detailed in the schedule to this affidavit. The affidavit reads as follows:



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1. I am the petitioner herein and I am well acquainted with the facts and circumstances of the case. Hence, I am competent to swear to this affidavit.

2. I submit that I was serving as the Secretary of Peykulam Primary Agricultural Co-operative Credit Society (Reg. No. Q.900). During my tenure, the Co-operative Department conducted an enquiry under Section 81 of the Tamil Nadu Co-operative Societies Act, 1983, for the period 2015-2016. Based on the said enquiry, certain allegations were made alleging misappropriation of society funds.

3. I respectfully submit that a criminal case in C.C. No. 208 of 2018 is pending against me before the Judicial Magistrate Court No. I, Ramanathapuram, arising out of Crime No. 2 of 2018 registered by the 3rd respondent under Sections 408, 409, 465, 468, 471, 477-A, 420, and 109 IPC.

4. I further submit that the District Registrar (Co-operative Societies), Paramakudi, has issued proceedings in Na.Ka.Nn. 1/2016-17/EU, dated 07.11.2016, proposing to confiscate my immovable properties situated at Sikkal and Kozhikulam Villages, Kadhaladi Taluk, Ramanathapuram District, which are the subject of the said criminal case.

5. In compliance with the directions of this Hon'ble Court and in order to show my bona fides, I hereby undertake that I will not sell, mortgage, lease, gift, encumber, or in any manner create third-party rights in respect of the below-mentioned properties until the disposal of C.C. No. 208 of 2018 pending before the learned Judicial Magistrate Court No. I, Ramanathapuram.

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Corrections: Nil



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SCHEDULE OF PROPERTIES

Property No. 1:-

Registered District - Ramanathapuram; Kadhaladi Taluk; Sikkal Village; Patta No. 519; Survey No. 121/76; Extent 0.02 hectares (approx. 1564 sq.ft.) with a reinforced-concrete dwelling house bearing Door No. 3/266, North Street, Sikkal Village, Kadhaladi Taluk, Ramanathapuram District.

Boundaries: North - Ismail Odaichechi Thoppu; South - Thiruvadi Vathiyar House and 6-ft path; East - Public pathway; West - Thiruvadi Vathiyar House.

Property No. 2

Ramanathapuram Registration District; Mudukulathur Sub-Registrar; Kozhikulam Village; Patta No. 1383; Survey No. 129/14A; Extent 0.06 hectares (nanjai land).

Boundaries: East - Kanmai; South - Eruthan Nanjai; West - Sonaimuzhu Nanjai; North - Ramanujam Nanjai.

Property Nos. 3 to 17

Other agricultural lands situated in Kozhikulam Village under Patta Nos. 1618 and 1767, in Survey Nos. 103/18, 104/13B, 105/6A, 105/7A, 105/8B, 102/17, 102/23B, 165/4C, 165/6A, 166/6F, 167/3A1, 167/3B2B, 145/4E, 145/4K, and 146/5, covering a total extent of about 2.5 hectares, bounded by adjacent owners as recited in the impugned notice dated 23.09.2025 issued by the District Registrar, Paramakudi.

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5. I undertake that I shall maintain complete status quo in respect of all the above-mentioned properties and shall not alienate or encumber them in any manner until the criminal case in C.C. No. 208 of 2018 is finally disposed of by the learned Judicial Magistrate Court No. 1, Ramanathapuram.

6. I submit this affidavit voluntarily and in good faith to demonstrate my complete cooperation with the judicial process and to show that I have no intention to defeat the rights of any party or obstruct the pending criminal proceedings.

It is therefore most humbly prayed that this Hon'ble Court may be pleased to consider this Undertaking Affidavit on record and pass such further or other orders as this Hon'ble Court may deem fit and proper in the interest of justice.

5. Recording the same, the impugned order, dated 23.09.2025 is quashed and the Writ Petition stands allowed. No costs. Consequently, connected Miscellaneous Petition is closed.

06.11.2025

NCC : Yes/No
Index : Yes/No
Internet : Yes

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- 3.The Inspector of Police,
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P.T.ASHA, J.

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