



WEB COPY

WP No. 4519 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-02-2026

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THE HON'BLE MR.JUSTICE V. LAKSHMINARAYANAN

W.P.No. 4519 of 2026

and

W.M.P.No.5018 of 2026

Vijayalakshmi

W/o. Gopal Sami,

Plot No. 29, Raghavendra Garden,

Perumalpattu Village and post,

Thiruvallur district 602 024

..Petitioner(s)

Vs.

1. The Registrar Of Co-operative Society

Office of the Registrar of Co-operative society,

NVN Natarajar Maligai,

No. 170 Periyar EVR High School road,

Kilpauk, Chennai 10

2. The joint Registrar of Co-operative society

Chengalpattu,

Office of the joint Registrar of Co-operative
society,

No. 264/1 Greenland,

Thirukazhukundram Road,



Vallam (Post),
Chengalpattu 603 002

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3. The Deputy Registrar of Co-operative society
Madurantakam Range,
Office of the
Deputy Registrar of Co-operative Society,
No. 50, Hospital Road,
Opposite to Hindu Higher Secondary School,
Madurantakam ,
Chengalpattu district 603 306
4. The Secretary
The Primary Agricultural
Co-operative Society Bank,
Cheyyur, Chengalpattu district 603 302
5. The Sub Registrar
Office of The Sub Registrar ,
Cheyyur,
Chengalpattu District 603 302

..Respondent(s)

Writ Petition filed under Article 226 of the Constitution of India, praying to call for records connection with the demand notice dated 12.12.2025 vide against the EP No. 9/2006- 07 dated 30.08.2006 issued by the 3rd respondent and quash the same and direct the respondents 1 to 3 not to continue any proceeding on the petitioners self earned property against the recoverable debts



of the petitioners husband related to the misappropriation of the funds of the 4th respondent and consequently direct the 5th respondent to remove the encumbrance dated on the petitioners property which encumbered based on the 3rd respondents proceedings dated 17.03.1997 which reflects in the encumbrance certificate and pass

For Petitioner(s): M/s.Thiyagarajan B
B.Thamayanthi

For Respondent(s): Mr.R.Murthy, Govt. Advocate

ORDER

The petitioner is aggrieved by the order of attachment of her property situated at North Street, 312.Cheyyur Town B-Block, Cheyyur Taluk, Chengalpattu District. The property was attached allegedly for misfeasance and malfeasance committed by her husband, one T.Gopalsamy, while working as the Secretary of the Primary Co-operative Agricultural Society situated in Cheyyur. The petitioner claims that she has purchased the property out of her own funds and it has nothing to do with the alleged misappropriation committed by her husband.

2. A perusal of the papers shows that the attachment has been alive for atleast 30 years. The impugned order will not give a fresh cause of action for the petitioner for filing this Writ Petition.



3. Further-more, her husband had suffered an Award in the surcharge proceedings on 31.07.2001, in pursuance of which, the property in question has been attached. Whether the petitioner is the owner of the property or whether the property had been purchased from and out of the funds of her husband, are all matters which require evidence. Under the Tamil Nadu Co-operative Societies Act and the Rules made thereunder, the petitioner has remedy under Rule 135. This entitles her to file a claim petition and state that the property in question belongs to her. This provision is akin to Order 21 Rule 58 of the Code of Civil Procedure, wherein the petitioner is entitled to let in oral and documentary evidence to substantiate her case. The petitioner is entitled to avail the said remedy.

4. With the above observations, the Writ Petition stands dismissed. There shall be no order as to costs. Consequently, the Miscellaneous Petition is closed.

09-02-2026

Index: Yes/No

Speaking Order: Yes/no

Neutral Case Citation: Yes/No

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To

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4. The Secretary

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5. The Sub Registrar

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V.LAKSHMINARAYANAN, J

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