



WEB COPY

WP No. 9277 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-03-2026

CORAM

THE HON'BLE MR JUSTICE M.DHANDAPANI

WP No. 9277 of 2026

1. Padmavathi

2. Poongavanam

3. Panneer

..Petitioner(s)

Vs

1. The Deputy Registrar Of Co-operative Societies
Co-operatives Department,
Tiruvannamalai Region,
Tiruvannamalai.

2. The District Registrar
Department of Registration,
Tiruvannamalai.

3. The Sub- Registrar of Registration
Mangalam, Tiruvannamalai District.

4. The Managing Director
V.T. 738-Tiruvannamalai District Central Co-
operative Bank Ltd.,
Tiruvannamalai East Branch,
Tiruvannamalai

5. P. Gokul

..Respondent(s)

Petition is filed under Article 226 of Constitution of India, seeking to issue a Writ of Declaration declaring the order of attachment of the property of petitioner comprised in Old Survey No.186/2 and New Survey No.186/2A in Vallivagai Village, Tiruvannamalai Taluk, and Tiruvannamalai District in and



by Proceedings in Ne.Ma.23/2024-2025SaPa dated 21.01.2025 on the file of the 1st Respondent addressed to the respondents 2 and 3 as illegal, void, nullity and unconstitutional and direct deletion of Encumbrance recorded thereby under Doc. No.8/2025 dated 22.01.2025 on the file of the 3rd Respondent forthwith.

For Petitioner(s): M/S. R.Natarajan

For Respondent(s): Mr.S.Ravikumar, SGP R1
Mr.S.Balamurugan GA RR2 & 3

ORDER

The writ petition has been filed challenging the order of attachment passed by the first respondent in Proceedings in Ne.Ma.23/2024-2025SaPa dated 21.01.2025 whereby the immovable property comprised in Old. S.No.186/2 and New S.No.186/2A Vallivagai Village, Tiruvannamalai Taluk and District was attached and the same was recorded as an Encumbrance under Doc. No.8/2025 dated 22.01.2025 on the file of the 3rd Respondent.

2. It is the case of the petitioner that the first petitioner is the mother and second and third petitioners are children of the first petitioner. The subject property originally belonged to Late Kuppusamy husband of the first petitioner who purchased the same under a registered Sale deed dated 21.06.1991 and was in absolute possession and enjoyment thereof. Upon his demise on 23.09.2021, the property devolved intestate upon his legal heirs, viz., the petitioner and another son Periyasamy. The property remains undivided and continues in joint possession of the legal heirs. The impugned attachment order has been passed in



proceeding initiated by the 4th respondent Bank against the 5th respondent, who is the grandson of the first petitioner and son of Periyasamy. The 5th respondent has no right in the property as the estate of Late Kuppusamy has not been partitioned and his father is alive. The petitioners were not issued any notice nor afforded any opportunity of hearing prior to attachment of their property. The action of the first respondent is contrary to Sections 7 and 167(2) of the Tamil Nadu Cooperative Societies Act and Rule 126 of Tamil Nadu Cooperative Societies Rules, which mandate enquiry and adherence to principle of natural justice before attachment. Challenging the same, the petitioner has filed the present writ petition.

3. The learned counsel for the petitioners submitted that the property involved in the matter is joint family property. The petitioners are nothing to do with the misappropriation committed by the 5th respondent. Till date, the subject property was not allotted to the 5th respondent. Hence, attaching the joint family property under Section 167 and send a communication to the Sub Registrar, which is not sustainable. The learned counsel further submitted that the without giving any opportunity, the impugned order has been passed. This Court may remand the matter back to the authorities and direct the respondents to pass orders afresh.



4. The learned counsel for the respondents did not dispute the fact submitted by the petitioners.

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5. Considering the fact that without giving opportunity to the petitioners, the impugned order has been passed by the respondents. On the sole ground, this Court remands the matter to the 1st and 4th respondents; the 1st and 4th respondents are directed to conduct enquiry and pass orders after providing opportunity to the petitioners and the 5th respondent, within a period of eight weeks from the date of receipt of a copy of this order.

6. With the above direction, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

10-03-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

RLI



To

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WEB COPY

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M.DHANDAPANI, J.

RLI

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WEB COPY

WP No. 9277 of 2

