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W.P.No.22725 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.02.2026

CORAM :

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

W.P.No.22725 of 2022

and

W.M.P.Nos.21746 and 21747 of 2022

P.Jayavelu

... Petitioner

Vs.

1.The Deputy Registrar of Cooperative Societies,
Maduranthagam Circle,
No.50, Hospital Road, Maduranthagam.

2.The Sub-Registrar,
Tirukazhukundram.

3.The Secretary,
G-2292, Koovathur Primary Cooperative Credit Society,
Maduranthagam,
Kancheepuram District.

4.D.Ganapathy

5.Thiru.M.Munusamy

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorari calling for records relating to order of the 1st respondent in Na.Ka.No.2621/2018 A3 dated 03.01.2019, to quash the same.

For Petitioner : Mr.L.Chandrakumar



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For Respondents : Ms.C.Meera Arumugham
for Mr.M.Shahjahan,
Special Government Pleader
[R1 & R2]

Mr.C.Selvaraj,
Additional Government Pleader [R3]

ORDER

The petitioner challenges the order of attachment passed by the 1st respondent invoking Section 167 of the Tamil Nadu Co-operative Societies Act, 1983.

2. The facts in short are: The 4th respondent herein was the Secretary of the 3rd respondent Society. The 5th respondent was the President of the said Society. They had indulged in malversation of the funds of the Society. This resulted in proceedings being initiated against them under the relevant provisions of the Co-operative Societies Act. An Award was passed to the tune of Rs.1,28,21,564.55 against them.

3. The petitioner is a third party to the Society. He claims to be an employee of the agricultural Department as an Assistant Seed Officer. The petitioner claims to be the owner of the property attached in the impugned proceedings. The petitioner's vendors are two persons by name Hemalatha



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and Jayagopi. They had alienated the property in favour of the writ petitioner by way of a registered sale deed in Document No.2961 of 2018 dated 19.07.2018. The Document covers the property situated in Survey Nos.170/1, 170/1A, 170/2, 170/3 and 171/1B. The extent of the property alienated is 2398 sq.ft.

4. After the alienation had been made in favour of the writ petitioner, the 1st respondent has attached the property for the dues of the 4th respondent.

5. Challenging the same, the present writ petition.

6. I heard Mr.L.Chandrakumar, learned counsel for the petitioner and Mr.T.P.Senniyangiri, learned counsel for the contesting respondents.

7. Mr.Chandrakumar states that on the date of attachment, the 4th respondent was not the owner of the property. By the time, the attachment order was passed, the petitioner had purchased the same by way of a registered document. He states he cannot be made answerable for the dues of the 4th respondent.



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8. Mr.Senniyangiri urges that there is a collusion between the petitioner and the respondents 4 and 5 and the alienation has been made only in order to thwart the execution of the decree.

9. I have carefully considered the submissions of both sides and gone through the records.

10. The execution of the sale deed in favour of the writ petitioner on 19.07.2018 is not in dispute. For the dues of the 4th respondent, the property of the writ petitioner cannot be attached. By the time the order of attachment was passed on 03.01.2019, the petitioner had become the owner of the property. He is neither a party to the Award passed by the 1st respondent, nor a party to the execution proceedings initiated by the 1st respondent. Hence, I am of the view that the order of attachment, insofar as the property covered in Document No.2961 of 2018 dated 19.07.2018 is concerned, cannot be sustained.

11. With respect to the plea of Mr.Senniyangiri that it is a case of transfer to defraud the creditors is concerned, as the Society is a creditor by



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virtue of the decree, this order will not stand in the way of the said Society to present a suit to set aside the sale on the ground of fraudulent transfer, invoking Section 53 of the Transfer of Property Act.

12. With the above observations, this Writ Petition is allowed. The impugned order is quashed insofar as the property covered in the document of purchase of the writ petitioner is concerned. Consequently, connected Writ Miscellaneous Petitions are closed. No costs.

23.02.2026

ssn

To

1.The Deputy Registrar of Cooperative Societies,
Maduranthagam Circle,
No.50, Hospital Road, Maduranthagam.

2.The Sub-Registrar,
Tirukazhukundram.

3.The Secretary,
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V.LAKSHMINARAYANAN, J.,

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