



WEB COPY

W.P. No.29530 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-02-2026

CORAM

THE HON'BLE MR.JUSTICE V. LAKSHMINARAYANAN

W.P. No.29530 of 2019 and
W.M.P. No.29403 of 2019

C.Masilamani
S/o.T.Chinnasamy Gounder,
Residing at No.2/149,
Madakadu, Moongilthozhuvu,
Jakkarpalayam Via, Udumalpet, Tiruppur District.

(Petitioner cause title amended as per order dated
10.03.2025 in W.M.P.No.32622 of 2019 in W.P.
No.29530 of 2019 by JSNPJ)

..Petitioner(s)

Vs

1. The Joint Registrar
Office of the Co-operative Societies, 4th Floor,
Collectorate Buildings, Tiruppur.
2. The Deputy Registrar of Co-operative Societies
Dharapuram Region, Dharapuram.
3. The Special Officer
KongalNagaram Primary Agricultural Co-
operative Credit Society, KongalNagaram,
Madathukulam Taluk, Tiruppur District.
4. The Sub-registrar,
Registration Department, Negamam.
5. Easwaran
S/o.Palanisamy,
Door No.4/147B, Ayyampalayam Pudur,
Kottamangalam, Udumalpet Taluk,
Tiruppur District.

..Respondent(s)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India



praying for issuance of a writ of Certiorari to call for the records of the 2nd respondent made in proceedings in Na.Ka.No.3294/2014/KU.SA dated 05.02.2015 and quash the same and consequently direct the 4th respondent to raise the attachment made in the Encumbrance Certificate in respect of the property of the petitioner bearing S.No.274/A3, 274/A5, 274/A2C, 274/A2A, 274/A4, 274/A9 total extent of 8.45 Acres of Moongilthozhuvu Village, Udumalpet Taluk, Tiruppur District.

For Petitioner(s): Mr.G.Vinoth

For Respondent(s): Mr.M.Muthusamy

Government Advocate (for R1 to R3)

Mr.M.Shajahan

Special Government Pleader (for R4)

ORDER

The petitioner is the purchaser of the property situated in Survey No.274/A2C, 274/A5 of Mungilthozhuvu Village, Negamam, Tiruppur District to an extent of 2.38 acres. He states that the property originally belonged to three persons, namely:

- i) Sivamani;
- ii) Shanmughavel and
- iii) Vetrivel.

1.1. They had executed a sale deed on 10.10.2011 in favour of two persons, namely, Sarojini and Sargunam. Apart from this deed, Sarojini and Easwaran, the 5th respondent herein had purchased a property situated in S.Nos.274/A3, 274/A4, 274/A4, 274/A3, 274/A4. The aforesaid Sarojini, Sargunam and Easwaran offered to sell the property situated in Survey Nos.274/A2C, 274/A5, 274/A2A, 274/A3 and 274/A4 to an extent of 3.75



hectares in favour of the petitioner. The petitioner also purchased the same by way of a registered sale deed dated 06.02.2015, registered on the file of the Sub-Registrar, Negamam in Document No.271/2015.

2. After the purchase of the property, the petitioner came to know that the 2nd respondent had written a letter to the 4th respondent, stating that proceedings under Section 81 of the Tamil Nadu Co-operative Societies Act are proposed to be initiated against one of the vendors, Easwaran, and therefore, the 4th respondent was directed not to register any sale deed over the same. The petitioner states that this letter was received by the Sub-Registrar on 11.02.2015 i.e., 5 days after the sale deed was executed in his favour. The petitioner states that as he is a bonafide purchaser for value without due notice, prior to the impugned order, it cannot be sustained against him.

3. I heard Mr.G.Vinoth for Mr.N.Umapathi for the petitioner, and Mr.M.Muthusamy, Government Advocate for the respondents 1 to 3, and Mr.M.Shahjahan, Special Government Pleader for the 4th respondent.

4. A perusal of Rule 167 of the Co-operative Societies Rules, 1988, shows that a property can be a subject matter of attachment, pending a proceeding under Section 87 of the Tamil Nadu Co-operative Societies Act, when the concerned person is either a member or an employee of the Society. In



this case, the petitioner claims that he is not a member of the 3rd respondent Society and he is a purchaser of the property much before the communication which was sent by the 2nd respondent to the 4th respondent.

5. In addition, the impugned letter had been received by the Sub-Registrar after the alienation, that is to say, on the date on which the letter was sent, the said Easwaran was not even the owner of the property. Title had already vested with the petitioner on execution of the sale deed dated 06.02.2015. Once the title has passed, Easwaran cannot be said to be the owner of the property. To enforce the order against the purchaser, on whom no notice of the proposed proceedings or the alleged attachment was intimated, cannot be sustained.

6. Hence, the writ petition stands allowed. The impugned order dated 05.02.2015 stands quashed. There shall be a direction to the 4th respondent to delete the entry insofar as the properties covered under the writ petition is concerned. No costs. Consequently, the connected miscellaneous petition is closed.

09-02-2026

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



1. The Joint Registrar

- ## 5. Easwaran



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V. LAKSHMINARAYANAN J.

MKA

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