



W.P(MD)No.3134 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.03.2026

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THE HONOURABLE MR.JUSTICE HEMANT CHANDANGOUDAR

Writ Petition(MD)No.3134 of 2023

and

W.M.P(MD)Nos.2911 & 2918 of 2023

R.Subathiradevi

.. Petitioner

Vs

1.The Deputy Registrar of Cooperative Societies,
Karur, Karur District.

2.The President,
R-1593, Pagalur Primary Agricultural Co-operative
Society Ltd.,
Velayuthampalayam Post,
Karur District.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari to call for the records pertaining to the impugned order bearing C.E.P.No. 7/2009 dated 06.03.2009 and the proceedings bearing No. 3482/2022/SF dated 15.11.2022 passed by the 1st respondent and quash the same in so far it attaches the property bearing old survey No.113 corresponding Nattam Sy. No.1191/3 of Punjai Pugalar North Village, Karur Taluk, Karur District.



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W.P(MD)No.3134 of 2023

For Petitioner : Mr.S.C.Herold Singh

For Respondent : Mr.S.S.Madhavan

Addl. Govt. Pleader for R1

ORDER

The petitioner is before this Court challenging the impugned order bearing C.E.P. No. 7/2009 dated 06.03.2009 and the proceedings bearing No. 3482/2022/SF dated 15.11.2022 issued by the first respondent. By the said proceedings, the immovable property belonging to the petitioner has been attached for the purpose of recovering dues from the deceased husband of the petitioner.

2. The petitioner's husband, during his lifetime and while serving as Secretary of a Cooperative Society, was subjected to an order under Section 87 of the Tamil Nadu Cooperative Societies Act, 1983, whereby he was held liable for the alleged misappropriation of a sum of Rs.8,31,285/-. Based on the said order, recovery proceedings were initiated. In the course of such proceedings, an order under Section 167(2) of the Act was passed, conditionally attaching the property belonging to the petitioner.



W.P(MD)No.3134 of 2023

WEB COPY

3. Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for respondents 1 and 2, and perused the materials available on record.

4. The surcharge proceedings were initiated against the husband of the petitioner, holding him liable to repay the amount allegedly misappropriated.

5. Admittedly, the subject property belongs to the petitioner and not to her husband, and the petitioner is not liable to discharge the said liability. Section 167 of the Tamil Nadu Cooperative Societies Act, 1983, deals with the furnishing of security or attachment of property in respect of any inquiry ordered into the conduct of any person under Section 87. It contemplates attachment where such person attempts to dispose of or remove from the jurisdiction of the Registrar any part of his property with the intention to defeat or delay the execution of any order that may be passed against him.

6. Therefore, an order of attachment can be made only in respect of the property of the person against whom the inquiry under Section 87 is conducted, and not against the petitioner, who is merely



W.P(MD)No.3134 of 2023

the wife of such person. Hence, the impugned conditional order of attachment passed under sub-section (2) of Section 167 of the Act lacks statutory authority.

7. Accordingly, this writ petition is allowed, and the impugned order bearing C.E.P. No. 7/2009 dated 06.03.2009 and the proceedings bearing No. 3482/2022/SF dated 15.11.2022 passed by the first respondent are hereby quashed. No costs. Consequently, the connected miscellaneous petitions are closed.

23.03.2026

NCC : Yes/No

Index : Yes/No

Internet:Yes

skn

To

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HEMANT CHANDANGOUDAR, J.

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