



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-12-2025

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THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

W.P.No.13226 of 2025 &

WMP.Nos.14786, 14789 & 33625 of 2025

1. D Jayasankar
S/o. Dhanapal No. 1/53 Thopu Street,
Alikondapattu Village And Psot,
Thiruvanamalai District

Petitioner(s)

Vs

1, The Registrar of Co-operative
Societies, Kilpauk, Chennai – 600 010.
[first respondent deleted from array of
parties as per the Order of this Court in
WMP.No.31845 of 2025 in
W.P.No.13226 of 2025]

2.The Joint Registrar Of Co Operative
Societies
Thiruvanamalai Region Tiruvanamalai,
Tiruvanamalai District

3.Deputy Registrar Of Co Operative
Societies
Tiruvanamalai Circle, Tiruvanamalai
Tiruvanamalaid District

4.The Administrator
H H 572 Thachampatu Primary
Agriculture Co Operative Credit
Society Ltd Thachampatu Villge And
Post, Tiruvanamalai Dist

5.The Co Operative Sub Registrar
Field Officer Sale Officer Hh 572
Thachapatu Primary Agricultural Co



Operative Credit Society Ltd,
Thachampatu Village And Post,
Tiruvanamalai District

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Respondent(s)

PRAYER : Writ Petition filed under Article 226 of Constitution of India to issue a Writ of Certiorari calling for the entire records relating to the impugned attachment Notice issued by the fifth respondent in his proceedings in Form No.7, in [E.P.No.27/2024-2025/SF] – [R.C.No.213/2024/SF], dated 03.04.2025 and quash the same.

For Petitioner

Mr.C.Prakasam

For Respondent(s):

Mr.S.Ravikumar,

Special Government Pleader – R1 to R3

Ms.Geetha Thamarai Selvan,

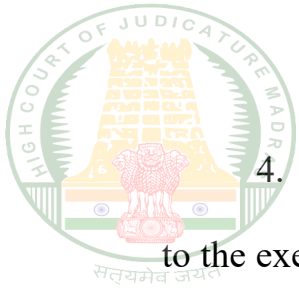
Special Government Pleader – R4 & R5

ORDER

The Petitioner challenges the Order of attachment passed by the Co-operative Sub Registrar/ 8th respondent dated 03.04.2025. The Order of attachment is based on the surcharge proceedings passed on 20.12.2022.

2. I heard Mr.C.Prakasam, for the petitioner and Mr.S.Ravikumar, learned Special Government Pleader for the respondents.

3. I have gone through the records. I have applied my mind to the facts of the case.



4. Unless and until the original surcharge order is challenged, a challenge to the execution proceedings, on the ground that the petitioner had deposited the entire amount due, pursuant to the order passed by the Judicial Magistrate No.II at Thiruvannamalai, cannot be countenanced.

5. There is a right of appeal for the petitioner against a surcharge order, in terms of Section 152 of the Tamilnadu Co-operative Societies Act before the District Court cum Co-operative Tribunal at Thiruvannamalai.

6. Mr.Prakasam urges that on account of the fact that the petitioner had deposited his share of the entire amount before the learned Judicial Magistrate No.II at Thiruvannamalai, the writ petitioner has not filed the appeal.

7. Deposit of the amounts was pursuant to an order granting bail to the petitioner. It is a condition for bail and that cannot be a ground to remove the liability imposed by the surcharge proceedings dated 20.12.2022.

8. Hence, this Court, passes the following Order :

i] Writ Petition is dismissed.

ii] 30 days time from today is granted to the writ petitioner to file an appeal before the Co-operative Tribunal at Thiruvannamalai against the surcharge order dated 20.02.2022.



iii] In case, the appeal is filed within the period granted by this Court, the learned Principal Judge, Thiruvannamalai, shall number the appeal without reference to the limitation.

iv] In case, the appeal is filed beyond the period of 30 days, benefit granted by this Court will not enure in favour of the petitioner.

v] As the petitioner had deposited a sum of Rs.3,60,000/- before the learned Judicial Magistrate No.II, Thiruvannamalai, the interim stay granted by this Court shall continue for a period of 30 days from today. It is open to the petitioner to move the appellate Court, in case he files an appeal and seek for any interim Order.

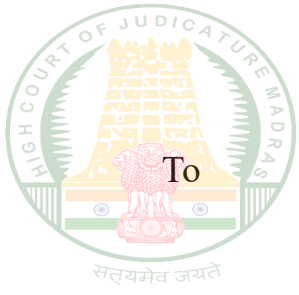
vi] No costs.

vii] Consequently, connected miscellaneous petitions are closed.

02-12-2025

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

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WMP No. 31845 of 2025



V.LAKSHMINARAYANAN, J.

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