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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-09-2025

CORAM

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

W.P.No.34189 of 2024

and WMP Nos.37013 & 37014 of 2024

Varadarajan

... Petitioner

v.

1. S.No.653, Mettupatty Gokilanadha Land Colonization
Co-operative Society,
Represented by its Secretary,
having office at
Mettupatty Colony
Mettupatty Village
Valapaddy Taluk
Salem District 636 111

2. The Deputy Registrar of Cooperative Society Limited
Salem Region,
The Deputy Registrar Office
Salem-636 001.

3. K.Indrani
W/o.Kamaraj
No.12/10 T.K.S.2nd Street,
Thiruvotriyur Thiruvallur
Madhavaram, Chennai 600 019.

... Respondents

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PRAYER: This Writ Petition has been filed under Article 226 of the Constitution of India to issue a writ of Certiorari, calling for the records with respect to the proceedings in Na.Ka.4146/2021/thavasa dated 30/08/2024 on the file of the 2nd Respondent and quash the same.

For Petitioner : Mr.S.Arjun

For Respondents : Ms.M.Geetha Thamaraiselvan,
SGP for R1 and R2
Mr.Vijayaraghavan for R3

ORDER

Heard Mr.Arjun, learned counsel for the petitioner and Ms.Geetha Thamaraiselvan, learned Special Government Pleader for the respondents 1 and 2 and Mr.Vijayaraghavan, learned counsel for the third respondent.

2. The writ petition pertains to allotment of the property situated in S.No.186 of Mettupatty Village, Valapaddy Taluk, Salem District to an extent of 3.66 acres. It is not in dispute across the bar that this property was allotted in favour of one, Sengodan. The purpose for which the first respondent society was created was to provide an alternate



employment and rehabilitation to the members of the toddy tappers community who had been rendered jobless on account of the Government's policy decision that toddy tapping is contrary to the Tamil Nadu Prohibition Act of 1937.

3. Sengodan seems to have enjoyed the property from the time of the allotment till his death on 29.01.2000. The 3rd respondent herein is the daughter of Sengodan. She had sought for the allotment of the aforesaid property in her name and obtained the same on 31.03.2001. Subsequently, she made a request for cancellation of the said allotment.

4. While Mr.Arjun and Ms.Geetha have taken a stand that the request for cancellation was voluntary, Mr.Vijayaraghvan pleads that the request had been given under threat and coercion.

5. He relies upon a proceeding initiated by the 3rd respondent before the Civil Court in O.S.No.211 of 2015, which culminated in a decree in her favour. Mr.Vijayaraghavan also relies upon the judgment



of this Court in S.A.No.755 of 2021 dated 19.06.2024, whereby the judgment and decree passed in O.S.No.211 of 2015 dated 30.10.2019, as confirmed by the learned Principal Judge, Salem in A.S.No.4 of 2020, dated 22.07.2020, stood affirmed.

6. While the suit and appeals were pending, the land was allotted in favour of the writ petitioner. This too had been cancelled by the respondent. He challenged the same before the learned Principal District Judge cum Cooperative Tribunal at Salem in I.A.No.1 of 2024 in an unnumbered CMA CS of 2024. The said application came to be dismissed on 04.08.2025.

7. The issue that Mr.Arjun pleads is that the allotment made in favour of the third respondent itself is illegal as the same is contrary to bye-law No.11 of the first respondent Society. A perusal of the bye-law shows that in case the original allottee had not made a nomination as required under bye-law No.11(a), then the Board of Directors of the first respondent shall transfer the allotment in favour of the senior male heir



of the deceased member. This is as per bye-law No.11(b). The allotment is not automatic, as such, a senior male member should have been admitted as a member of the Society and such admission should have been approved by the Registrar of Co-operative Societies. It cannot be disputed that the third respondent is not a male heir of the deceased Sengodan.

8. Hence, I am of the view that the first respondent should conduct an inquiry as to whether the petitioner is entitled to the allotment as a heir of Sengodan. This is *de hors* the objections that have been made by the writ petitioner. There shall be a direction to the first respondent to cause an inquiry. Before the inquiry, obviously, the third respondent has to be put on notice and she has to be heard, and appropriate orders shall be passed. The said exercise shall be completed within eight weeks from today.

For reporting compliance, post the matter on 17.11.2025.

17.09.2025

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WEB COPY



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V. LAKSHMINARAYANAN J.

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To

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