



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED :20.02.2026

CORAM:

THE HON'BLE MR JUSTICE R.VIJAYAKUMAR

W.P(MD)No.29656 of 2025

and

W.M.P(MD)Nos.22946,22947 and 22948 of 2025

1.R.Soundharya

2.R.Vasantha Rani

... Petitioners/Petitioners

.Vs.

1. *****

2.The Joint Registrar of Cooperative Societies,
Karur Region, Karur.

3.The Joint Registrar of Cooperative Societies,
Tirunelveli Region,
Tirunelveli.

4.The Deputy Registrar of Cooperative Societies,
Karur Region,Karur.

5.The Deputy Registrar of Cooperative Societies,
Tirunelveli Region(PDS)
Tirunelveli.



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6.The Administrator,
Y.K.148, Karur Cooperative Press,
No.62, Pudu Theru,
Karur – 639 001.

(First respondent was deleted as per order of this Court made in
W.M.P(MD)No.3413 of 2026, dated 20.2.2026)

... Respondents/Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari calling for the records relating to the proceedings of the impugned notice in Form No.2, dated 23.5.2025 on the file of fourth respondent and the consequent impugned notice in Form NO.14(a) in E.P.No.11 of 2005, dated 17.09.2025, on the file of fourth respondent and quash the same.

For Petitioner : M/s.K.Sasiprabha

For Respondents : Mr.D.Farjana Ghoushia
2 to 5 Spl.Govt. Pleader

For Respondent-6 : No appearance

ORDER

The present Writ Petition has been filed by the wife and daughter of the deceased employee of the sixth respondent/Co-operative Society challenging the order of attachment of salary and the demand notice for recovery of the amount.



WEB COPY 2. According to the learned counsel for the Writ Petitioner, the first Petitioner's father Ramanathan had suffered surcharge order under Section 87 of the Cooperative Societies Act on 4.11.2003. However, without challenging the same, he had passed away on 23.7.2011. His retirement benefits were disbursed on 17.5.2012. The first Petitioner was granted appointment in the sixth respondent society on compassionate grounds. Thereafter, the present impugned order has been passed to attach the salary of the first petitioner and for the recovery of the above said amount. Challenging the same, the present Writ Petition has been filed.

3. According to the learned counsel for the Writ petitioner either after the death of the father or while disbursing the terminal benefits, the dues of her father were not brought to her notice. Suddently after a period of 13 years, the present demand notice has been issued and her salary is sought to be attached. According to her, liability to pay the amount will start only after the death of the father and not before that. He further submits that interest at 18% p.a, is on the higher side and the same shall be reduced to 6%.



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4.Per contra, learned Special Government Pleader appearing for the respondents 2 to 5 submitted that the Petitioner's father suffered a surcharge order on 4.11.2003 to the tune of Rs. 1,36,660/-.The said order has not been challenged at any point of time. Therefore as on today huge amount is outstanding from the family of the Writ Petitioner. She further points out that as per Section 87 of the Cooperative Societies Act, after the death of the father, the amount can be recovered from the legal heirs. She further points out that the first Petitioner had got appointment on compassionate grounds due to the death of her father and therefore her salary was sought to be attached only as per the rules of the Co-operative Societies Act and rate of interest cannot be reduced. She further points out that the first Petitioner as well as her mother had received terminal benefits and they have inherited the property of the deceased employee. In such circumstances, the liability of the first Petitioner cannot be questioned. Therefore the order of attachment and the subsequent demand notice issued by the concerned authorities are sustainable.

5.I have heard the submissions made on either side and perused the materials placed before this Court.



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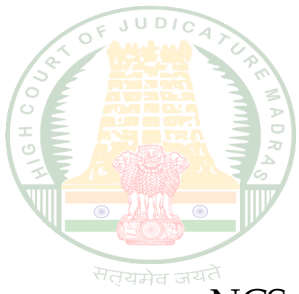
6.As per Section 87 of the Tamil Nadu Cooperative Societies Act, in case, if a person who suffers surcharge order had passed away, the surcharge proceeding can be continued as against the legal heirs upto the extent of the property which they have inherited from the deceased employee.

7.In the present case, wife and daughter of the deceased employee are the Petitioners and they are liable to pay the amount on the death of the deceased employee on 23.7.2011. However they have inherited the benefit of the deceased employee only on 17..5.2012.

8.In view or the above said facts, the Petitioners herein are liable to pay a sum or Rs.1,36,660/- (award amount) along with interest at the rate of 12% pa., from 1.8.2011 onwards. The said amount shall be paid on or before 30.4.2026. In case of any non payment, the respondents are at liberty to proceed against the Petitioners in accordance with law.

9.With the above directions, the Writ Petition is partly allowed to the extent as indicated above. No costs. Consequently, connected Miscellaneous Petitions are closed.

20.02.2026



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NCS : Yes/No
Index : Yes / No
Internet : Yes / No

vsn

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R.VIJAYAKUMAR.,J.

vsn

ORDER MADE IN

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and

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