



W.P(MD)No.15178 of 2018

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.07.2026

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P(MD)No.15178 of 2018

and

W.M.P(MD)No.13716 of 2018

Paramasivan

... Petitioner

Vs

1.The Principal District Judge/The Co-operative Society Tribunal,
Dindigul.

2.The Deputy Registrar of Co-operative Societies,
Dindigul, Dindigul District.

3.The President,
Dindigul Urban Co-operative Bank,
No.2, New Pensioner Street,
Dindigul.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorari, to call for the orders passed by the first respondent in C.M.A.(CS)No.12 of 2008 dated 22.12.2015, confirming the surcharge order passed by the second respondent in surcharge proceeding



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WEB COPY No.Ta.Va.Ka.11/2005/Ku.Na (2) dated 28.11.2006 on the file of the second respondent and quash the same as illegal.

For Petitioner : Mr.S.Kumar

For Respondents : Mr.M.Mahaboob Athiff
counsel for State

ORDER

This Writ Petition has been filed challenging the order dated 22.12.2015 passed by the first respondent in C.M.A. (C.S.) No.12 of 2008.

2.The learned counsel appearing for the petitioner submitted that the petitioner is working as an Assistant in the third respondent Society. It is his submission that the petitioner was unnecessarily implicated in the enquiry conducted under Section 81 of the Tamil Nadu Co-operative Societies Act, on the allegation that the loan of Rs.25,000/- sanctioned to one Vijayalakshmi had not been recovered, for which the petitioner was held responsible and charges were framed against him. Pursuant thereto, the first respondent passed the impugned order against the petitioner. Aggrieved by the said order, the present Writ Petition has been filed.



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3.Heard the learned counsel appearing on either side and perused the materials available on record.

4.In the considered opinion of this Court, the present Writ Petition is not maintainable in view of the judgment of the Division Bench of this Court reported in **2020 (1) CWC 417 (E.S. Sundara Mahalingam v. Special Tribunal for Cooperative Cases (District Judge))**. The Division Bench has categorically held that any order passed by the Special Tribunal under the Tamil Nadu Co-operative Societies Act can be challenged only by filing a Civil Revision Petition under Article 227 of the Constitution of India and not by way of a Writ Petition under Article 226 of the Constitution of India. Admittedly, the petitioner has invoked the writ jurisdiction of this Court under Article 226 of the Constitution of India.

5.In view of the above, this Court is not inclined to entertain the present Writ Petition. However, liberty is granted to the petitioner to work out his remedy by filing an appropriate Civil Revision Petition or any other appropriate proceeding, if so advised, in the manner known to law.



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6. Accordingly, this Writ Petition stands disposed of, granting the aforesaid liberty to the petitioner. The Registry is directed to return the original impugned order to the learned counsel for the petitioner, after retaining a photocopy of the same on record, to enable the petitioner to work out his remedy before the appropriate forum. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

02.07.2026

NCC : Yes / No
Index : Yes / No
ps

To

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M.DHANDAPANI, J.

ps

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