

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.09.2017

CORAM

THE HON'BLE MR. JUSTICE D. KRISHNAKUMAR

W.P.No.23085 of 2012 and
MP.No.1 of 2012

The Special Officer,
Pennagaram Primary Agricultural
Cooperative Bank,
Near New Bus Stand,
Pennagaram Town & Taluk ..Petitioner

Vs.

1. The Presiding Officer,
The District Cooperative Tribunal/
The Principal District Court,
Dharmapuri
2. The Deputy Registrar of
Cooperative Societies,
Railway Station Road,
Dharmapuri
3. C.Manoharan ..Respondents

PRAYER:

The Writ Petition is filed under Article 226 of the Constitution of India to issue a writ of certiorari by calling for the records pursuant to the impugned order dated 30.09.2009 in CMA.(Cooperative Societies) No.60/2008 on the file of the first respondent and quash the same.

For petitioner : Mrs.D.Kalaiselvi
for Mr.S.Siva Shanmugam
For Respondents : R1 - Tribunal
: Mr.L.P.Shanmuga Sundaram, Special
Government Pleader for R2
: Mr.M.S.Palaniswamy for R3

ORDER:

By consent of both the parties, the writ petition is taken up for final disposal.

2. According to the petitioner, when the third respondent was working as the Special Officer of the petitioner bank, the second respondent ordered for inspection of the said bank and the enquiry report had revealed that the third respondent and the then Secretary Thiru.S.P.Raghunathan have deposited the petitioner's bank's funds to the tune of Rs.12,00,000/- in the Pennagaram Agricultural Producer Cooperative Marketing Society without getting permission from the Registrar. From the amount, Rs.7,00,000/- has not been refunded by the said society. Further, the said amounts were refunded after the date of maturity. The third respondent and the then Secretary did not take any efforts to get the refund of the said amounts, thus committing willful negligence on their part. Hence, the second respondent initiated surcharge proceedings under Section 87 of the said Act and passed an award dated 15.04.2008 to recover a sum of Rs.49,454/-with interest. Aggrieved by the award, the petitioner filed an appeal in CMA.No.60 of 2008 on the file of the first respondent and the same was allowed. Challenging the said order, the petitioner has filed the present writ petition before this Court.

3. At this stage, the learned counsel for the second respondent would place a letter dated 18.07.2016 before this Court issued by the petitioner society that the entire amount has been recovered and therefore, there is no request for adjudication in the present writ petition.

4. The learned counsel for the petitioner society would submit that the said amount has been recovered as per the letter and the same shall be recorded. However, the learned counsel for the petitioner seeks liberty to recover the amount, if any balance due, from the third respondent.

5. In view of the said submissions made by the parties, the writ petition is disposed of, with liberty to the petitioner that the petitioner shall recover the amount, if any balance due, from the third respondent. Consequently, the connected miscellaneous petition is closed. No costs.

Sd/-
Deputy Registrar (CS)

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Sub Assistant Registrar

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To

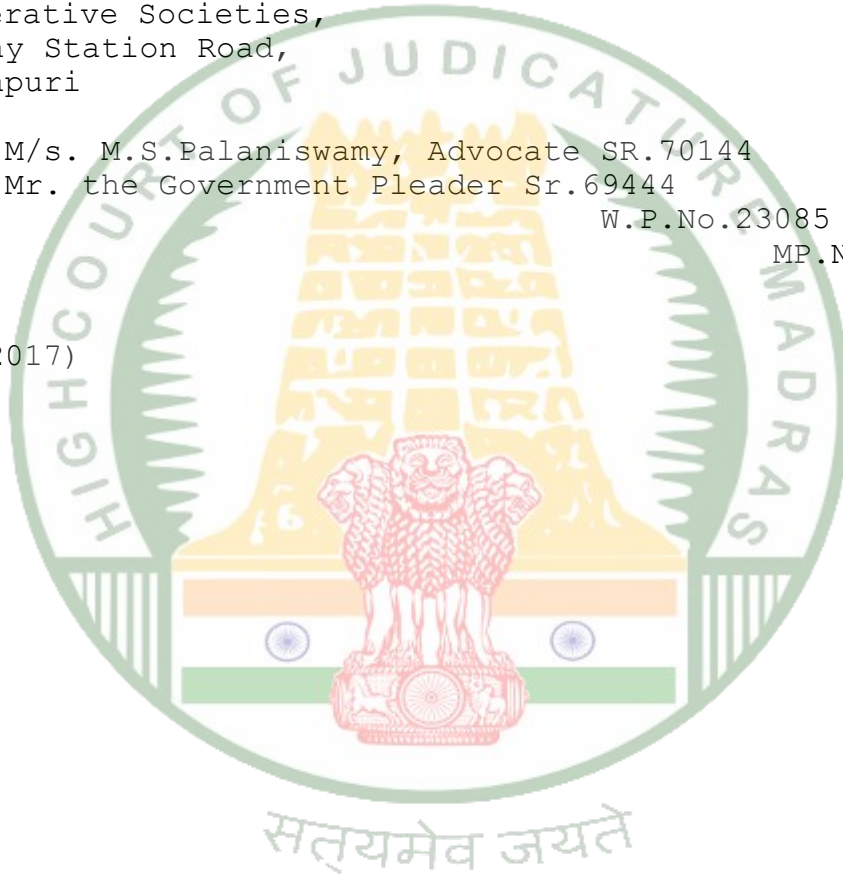
1. The Presiding Officer,
The District Cooperative Tribunal/
The Principal District Court,
Dharmapuri

2. The Deputy Registrar of
Cooperative Societies,
Railway Station Road,
Dharmapuri

+ 1 cc to M/s. M.S.Palaniswamy, Advocate SR.70144
+ 1 cc to Mr. the Government Pleader Sr.69444

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GMI (CO)
EU(17/11/2017)



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