

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.08.2017

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.33217 of 2004
and
W.P.M.P.No.40166 of 2004

1. N.P.Chinnasamy
2. M.Elayappan
3. R.Balasubramaniam
4. R.Subramaniam
5. P.Ramasamy
6. M.Valli
7. A.Venkatesan
8. D.Neelagandan

... Petitioners

Vs.

The Deputy Registrar of
Co-operative Societies
Thirukovilur Region
Villupuram District.

... Respondent

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records of the respondent in his Proceeding R.C.No.1752/2000/Sa.Pa. dated 07.08.2003 and quash the same.

For Petitioners : Mr.K.Raja

For Respondent : Mr.L.P.Shanmuga Sundaram
Special Government Pleader
(Co-operative Society)

O R D E R

Writ Petition has been filed to issue a Writ of Certiorari calling for the records of the respondent in his Proceeding R.C.No.1752/2000/Sa.Pa. dated 07.08.2003 and quash the same.

2. The brief facts of the case is as follows:

The petitioners 1 to 7 were the Board of Directors of the Chinnasalem Primary Agricultural Co-operative Bank Limited, Kallakurichi Taluk, Villupuram District and the 8th petitioner was the Secretary of the said Society from 1996 to 2001. Since the said Society was doing large business like milk

distribution, banking, kerosene bunk, ration shops, fertilizers and Cement Sales Center, it is necessary to appoint an eligible employee to look after the business transactions of the Society.

3. Aggrieved by the appointment of the employee made by the Board of Directors, the respondent, after inspection, initiated surcharge proceedings under Section 87 and surcharge order was passed. As per Section 82 of the Tamil Nadu Cooperative Societies Act, Inspection should have been concluded within a period of three months. But, the said inspection is barred by limitation. Challenging the same, the present writ petition is filed.

4. This Court, while entertaining the writ petition, has granted interim stay on 06.12.2004 for staying the surcharge proceedings and the same was made absolute on 27.10.2009.

5. The learned counsel appearing for the petitioner would submit that without going into the merits of the case, he would restrict his claim and liberty may be granted to the petitioners to enable them to workout the remedy before the appropriate forum under Section 152 of the Tamil Nadu Co-operative Societies Act.

6. In view of the above said circumstances, this Court is inclined to dispose of the writ petition with liberty granted to the petitioners to file an appeal before the appropriate forum to workout their remedy, within a period of four weeks from the date of receipt of a copy of this order.

In the result, this writ petition is disposed of with the above observations. No costs. Consequently, connected miscellaneous petition is closed.

For the purpose of limitation, the period which this writ petition was pending before this court shall be excluded.

Registry is directed to return the original impugned order to the petitioners to enable them to file an appeal before the appropriate forum.

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Sd/-

Assistant Registrar(CS-VIII)

//True Copy//

Sub Assistant Registrar

gv/gmd

To

The Deputy Registrar of
Co-operative Societies
Thirukovilur Region
Villupuram District.

+ 1 cc to Government Pleader Sr.63353
+ 1 cc to Mr.K. Raja, Advocate Sr.62915
+ 1 cc to Mr.L.P. Shanmugasundaram, Advocate SR.63313

W.P.No.33217 of 2004
And
W.P.M.P.No.40166 of 2004

NRJK (CO)
EU (05/10/2017)



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