

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Special Original Jurisdiction)

Tuesday, the Ninth day of October Two Thousand Eighteen

PRESENT

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

WP NO.35752 OF 2002

1 M.BHUPATHY [PETITIONERS]
2 D.GANESAN
3 K.CHINAPPA

Vs

1 THE SPECIAL TRIBUNAL FOR CO-OPERATIVE [RESPONDENTS]
CASES (CHENNAI)
(PRINCIPAL DISTRICT JUDGE
VELLORE DISTRICT
2 THE ASST.DIRECTOR OF HANDLOOM
TEXTILES GANDHI NAGAR VELLORE
3 THE POOPTUTHAKU SRI MURUGAN
WEAVERS COOP SOCIETY LTD
POOPTUTHAKU, NORTH ARCOT

Writ Petitions under Article 226 of the Constitution of India praying that in the circumstances stated therein and in the respective affidavits filed therewith the High Court will be pleased to issue a Writ of Certiorari to call for the records and quash the Order dated 4.7.2002 in C.T.A.No.3 of 1994 on the file of the 1st Respondent, the Special Tribunal for Co-operative Cases, Chennai (WP.35752/2002)

Order : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.GUPTA & RAVI, Advocate for the petitioner and of MR.L.P.SHANMUGA SUNDARAM, Special Government Pleader on behalf of the 1st Respondent the court made the following order:-

The surcharge proceedings originally made against the petitioners was for a sum of Rs.1,44,345.20/-. As against which appeal was filed by the petitioner. Before the appellate authority,

the issue was confronted, where the appellate authority had come to a conclusion that out of the sum of Rs.1,44,345.20/-, Rs.20,174/- has been given as rebate. Therefore when that was deducted, the remaining amount of Rs.1,24,671.20/- was the due. Out of which, one Gangadaran paid a sum of Rs.9,000/- between 25.04.1990 and 16.05.1995. Deducting the said amount, it comes to about Rs.1,15,671.20/-. Thereafter one Shanmugam who was the then Secretary, paid a sum of Rs.20,000/- between 09.05.1990 and 09.08.1990, that was also deducted. Therefore the net due according to the appellate authority was Rs.93,671.20/-. As against the said order, this writ petition was filed and during the pendency of this writ petition, a sum of Rs.20,000/- was also paid on behalf of the petitioners. Therefore the remaining due even according to the respondent society was Rs.73,671.20/-.

2. In this regard, by relying upon the evidence adduced on behalf of the society before the criminal Court, the Manager of the society had deposed that the movable and immovable properties including the housing plot and house of the Gangadaran had been sold by the society and the sale proceed has been credited in the societies account.

3. Even though such an evidence had been adduced by the Manager of the society on behalf of the society before the criminal Court, which has been recorded by the said Court, the same has not been rebutted by producing substantial evidence or documents before this Court on the side of the society.

4. Mere denial of the stand of the petitioners that subsequently the entire amount had been recovered from Gangadaran by selling the properties and crediting the amount in the society would not in any way help the society to stand their case.

5. Hence the learned counsel appearing for the society wants to file necessary documents / evidence to substantiate the stand of the society that the movable and immovable property belong to the Gangadaran was not sold by the society and was sold by the petitioners in the individual capacity and therefore the said sale proceed have never been credited to the society.

6. In order to comply with the same, the learned standing counsel for the society, seeks two weeks time.

Post the matter on 25.10.2018.

-sd/-
09/10/2018
/ TRUE COPY /

Sub-Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

1 THE SPECIAL TRIBUNAL FOR CO-OPERATIVE
CASES (CHENNAI) (PRINCIPAL DISTRIJUDGE
VELLORE DISTRICT

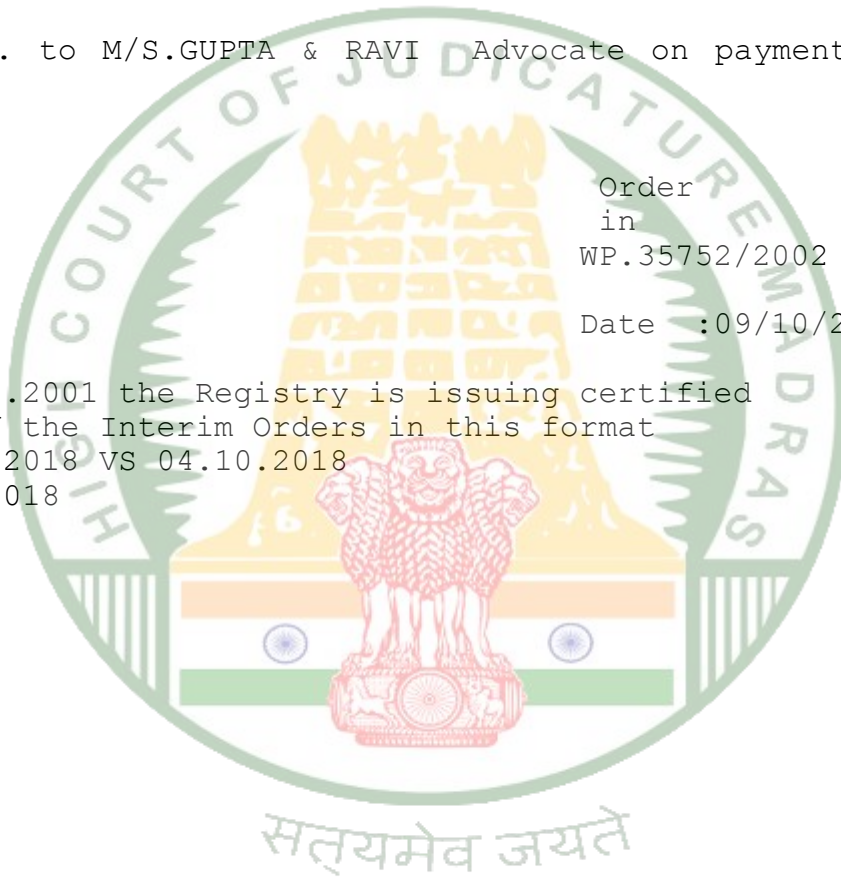
2 THE ASST.DIRECTOR OF HANDLOOM
TEXTILES GANDHI NAGAR, VELLORE

C.C. to M/S.GUPTA & RAVI Advocate on payment of necessary
charges

Order
in
WP.35752/2002

Date :09/10/2018

From 26.2.2001 the Registry is issuing certified
copies of the Interim Orders in this format
RRI 27/09/2018 VS 04.10.2018
VS 10.10.2018



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