

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.8.2018

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.A.No.1647 of 2018

R.Minerva

... Appellant

Versus

1. The Deputy Registrar of
Co-operative Societies,
Dharmapuri Circle, Dharmapuri.
2. The Special Officer,
S 6152 Ettimarathupatti Primary
Agricultural Co-operative Bank,
Ettimarathupatti, Ungaranahelli Post,
Dharmapuri District.

...Respondents

Prayer: Writ Appeal filed under Clause 15 of the
Letters Patent against the order dated 29.8.2017 passed in
W.P.No.640 of 2012 on the file of this court.

W.P.No.640 of 2012

Writ Petition filed under Article 226 of the Constitution of
India, praying for the issuance of a writ of certiorari to call
for the records in pursuant to the judgment and decree dated
01.06.11 passed in C.M.A.(C.S.).No.4/2010 on the file of the
District Co-operative Tribunal Dharmapuri and quash the same

For appellant : Mr.R.Prem Narayan

For respondent : Mr.L.P.Shanmugasundaram,
Special Government Pleader

JUDGMENT

(Judgment of the court was made by HULUVADI G.RAMESH, J.)

Heard the learned counsel appearing for the appellant and Mr.L.P.Shanmugasundaram, learned Special Government Pleader, who takes notice on behalf of the respondents.

2. It appears that on account of some allegations against the husband of the appellant/writ petitioner in sanctioning the agriculture loan to the farmers, an enquiry under Section 81 of the Tamil Nadu Co-operative Societies Act was initiated against the deceased employee Raju and on the basis of the enquiry report, Surcharge proceedings under Section 87 was also initiated against him, however, pending enquiry, he died on 15.7.2003. The alleged loss to the second respondent is said to have been Rs.90,00,000/- and odd. At the stage of recovery proceedings, the appellant/writ petitioner, being wife of the deceased employee of the second respondent has approached this court seeking its indulgence. According to the appellant/writ petitioner, she had not been afforded any opportunity to peruse the records.

3. On perusal of the materials available on record, we find that the learned Single Judge, on appreciating the factual aspects, has found that the appellant/writ petitioner was given opportunity before the enquiry officer to peruse the documents and as such the appellant/writ petitioner cannot raise the ground that she has not been furnished the documents.

4. In this writ appeal, the same ground has once again been urged. The fact remains that almost all the documents are permitted to be perused by the appellant/writ petitioner. However, considering the fact that almost the proceedings are initiated based on proper materials and admitted facts, non-production of copy of the documents will not vitiate the proceedings. Further, the quantum of loss alleged to have been caused to the second respondent is also huge one and therefore, the individual concerned for the loss occurred, cannot be allowed to simply disown his responsibility. The appellant/writ petitioner, being legal representative cannot escape from the recovery proceedings.

5. In that view of the matter, we find that no other remedy could be extended to the appellant/writ petitioner except permitting her to peruse the documents once again to have better defence. The writ appeal is disposed of accordingly. No costs.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

ssk.

To:

1. The Deputy Registrar of
Co-operative Societies,
Dharmapuri Circle, Dharmapuri.
2. The Special Officer,
S 6152 Ettimarathupatti Primary
Agricultural Co-operative Bank,
Ettimarathupatti, Ungaranahelli Post,
Dharmapuri District.

+1cc to Mr.R.Prem Narayan, Advocate, S.R.No.57282

+1cc to the Government Pleader, S.R.No.57671

W.A.No.1647 of 2018

VSNII (CO)
GSP (12/10/2018)



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