

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED : 01.03.2018

CORAM:**THE HONOURABLE MRS.JUSTICE J.NISHA BANU****C.R.P. (MD) .No.1663 of 2016 (NPD)****AND****C.M.P. (MD) .No.8117 of 2016**

R.Chandrasekaran ... Petitioner / Petitioner /
1st respondent

Vs.

1. The Deputy Registrar,
Tamil Nadu Cooperative Society,
Marthandapuram,
Pudukkottai. ... 1st respondent /
1st respondent / Imposing Officer

2.A.Mariappan ... 2nd respondent /
2nd respondent / 3rd party

Prayer: Petition is filed under Section 227 of the Constitution of India, against the judgment and decree passed by the learned Principal District Judge, Pudukkottai in C.M.A.C.S.No.6 of 2014, dated 28.10.2015, remanding the order passed by the Deputy Registrar, Tamil Nadu Co-operative Society, Pudukkottai, in Na.Ka.No.1628 of 2013, dated 19.05.2014.

For Petitioner : Mr.K.Kumaravel

For 1st respondent : Mr.J.Gunaseelan Muthaiah,
Additional Government Pleader

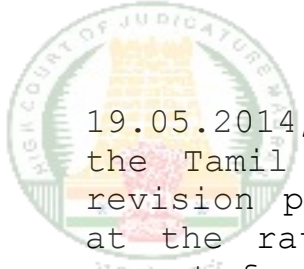
For 2nd respondent : No appearance

ORDER

This civil revision petition has been filed against judgment passed by the learned Principal District Judge, Pudukkottai in C.M.A.C.S.No.6 of 2014, dated 28.10.2015, remanding the order passed by the Deputy Registrar, Tamil Nadu Co-operative Society, Pudukkottai / 1st respondent in Na.Ka.No.1628 of 2013, dated 19.05.2014, for fresh consideration.

<https://hcservices.ecourts.gov.in/hcservices/>

2. The first respondent herein has passed an order, dated



19.05.2014, against the revision petitioner under Section 87 of the Tamil Nadu Co-operative Societies Act, 1983, directing the revision petitioner to pay a sum of Rs.14,18,559/- with interest at the rate of 18% as he has failed to recover the said loan amount from the members of the society. Aggrieved by that order, the revision petitioner has filed C.M.A.C.S.No.6 of 2014 before the Court below. The Court below, after hearing both sides, has set aside the order passed by the first respondent and remitted the matter before the first respondent for passing orders after following the due procedure. Aggrieved by that order, the revision petitioner has filed this civil revision petition.

3. The learned counsel for the revision petitioner would submit that the revision petitioner did not involve in the alleged transaction and he is not the authority to sanction the amount and out of 11 items, the first respondent has stated that only item Nos.5, 6 and 7 alone were misappropriated by the revision petitioner, but item Nos.5 & 6 are already time barred. He would further submit that though a criminal case was registered against him in Crime No.4 of 2013, subsequently he was arrayed as prosecution witness in the criminal case. He would further submit that the Court below, without going into the merits of the matter, only on finding the facts that the respondent has failed to serve Section 81 enquiry report to the revision petitioner and to provide an opportunity to him, has remanded the matter to the file of the first respondent for passing orders after following the due procedure. He would further submit that the Court below ought not to have remitted the matter to the file of the first respondent by deciding the merits of the case. Therefore, he has come up with this civil revision petition.

4. The learned Additional Government Pleader appearing for the 1st respondent would submit that as the revision petitioner himself prayed to remand the matter, the Court below has remanded the matter to the file of the first respondent and therefore, there is no need to interfere with the order passed by the Court below.

5. Heard the learned counsel appearing for both sides and perused the materials available on record.

6. The decision taken by the Court below cannot be stated to be perverse. Therefore, this Court is not inclined to interfere with the order passed by the Court below. However, it is open to the revision petitioner to raise all the points raised herein before the competent authority viz., the first respondent, who shall consider all the points raised by the revision petitioner as well as the respondents and decide the matter on merits and in accordance with law, within a period of three months from the date of receipt of copy of this order.



7. With the above direction, this civil revision petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

WEB COPY

Sd/-

Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar

To

1. The Principal District Judge,
Pudukkottai.
2. The Deputy Registrar,
Tamil Nadu Cooperative Society,
Marthandapuram,
Pudukkottai.

+ 1 cc TO Mr.K.Kumaravel , Advocate in SR No. 52735
+ 1 cc TO Mr.J.Gunaseelan Mutiah , Advocate in SR No. 52704

gcg

AE/KK/SAR1/26.03.2018/3P/5C

Order made in
C.R.P. (MD) .No.1663 of 2016 (NPD)
01.03.2018