



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 28.09.2018
CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P. (NPD) (MD) .No.732 of 2016

The Deputy Registrar of
Tamilnadu Cooperative Societies,
Thanjavur, having office at
Thanjavur Circle,
Thanjavur Town and Munsif.

... Petitioner

Vs.

1.A.V.Ramachandran

2.The Special officer of
Thiruvaiyar Rural Cooperative bank Credit Society,
Thiruvaiyaru Town and Munsif,
Thanjavur District.

... Respondents

PRAYER: Petition filed under Article 227 of the Constitution of India to call for the records in C.M.A(CS)No.30 of 2011 dated 30.11.2015 on the file of the Principal District Judge, Thanjavur District and set aside the same and confirm the proceedings of the Deputy Registrar dated 03.01.2011 in Na.Ka.No.2260/ 2010 Sa.pa.

For Petitioners : Mr.J.Gunaseelan Muthiah

For R1 : Mr.G.M.Xavier

For R2 : No appearance

ORDER

This Civil Revision Petition arises out of surcharge proceedings. The authority under the Tamilnadu Cooperative Society Act issued show cause notice on 05.04.2010. After hearing the explanation of the parties concerned, the surcharge order was passed on 03.01.2011. The same was questioned by the first respondent herein by filing C.M.A(CS)No.30 of 2011 before the learned Principal District Judge, Thanjavur. The Cooperative Tribunal by order dated 30.11.2015 allowed the said appeal. Questioning the same, this Civil Revision Petition has been filed.

2.Heard learned counsel on either side.



3. It is seen that the cause of action dates back to the year 1996-2001. As per the proviso to Section 87 of the Tamil Nadu Cooperative Societies Act, the proceedings should have commenced within seven years. In this case, the proceedings commenced after a full nine years. Therefore, the Cooperative Tribunal rightly held that the surcharge proceedings are time barred. No case is made out for interference with the said order.

4. There is no merit in this Civil Revision Petition. Accordingly this Civil Revision Petition is dismissed. No costs.

Sd/-
Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar (CS-I)

To:

Principal District Judge,
Thanjavur District.

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