



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.12.2019

CORAM:

**THE HONOURABLE MR.JUSTICE T.RAJA**

C.R.P.(MD)Nos.438 to 440 of 2012  
and M.P.Nos.1 to 1 of 2012

V.Kumar : Petitioner in/Appellant  
all C.R.Ps./1<sup>st</sup> Defendant

**Vs.**

1. The Deputy Registrar of Cooperative Societies,  
O/o. Deputy Registrar of Cooperative Societies,  
Kovilpatti,  
Thoothukudi District. : 1<sup>st</sup> Respondent/1<sup>st</sup> Respondent/  
Plaintiff in all C.R.Ps.
- 2.P.Annamaharaja : 2<sup>nd</sup> Respondent/2<sup>nd</sup> Respondent/  
2<sup>nd</sup> Defendant in  
CRP No.438/2012

**PRAYER:** Civil Revision Petitions under Article 227 of the Constitution of India against the judgment and decree dated 11.02.2011 passed in C.M.A.(CS) Nos.1, 2 and 3/2008 on the file of the Principal District Court, Thoothukudi against the order passed in Tha.Va.Nos.6, 7 and 8/2006-2007 dated 20.05.2007 on the file of the Deputy Registrar of Cooperative Societies, Kovilpatti.

For Petitioner : Mr.K.Vinayagan  
For Respondents : No appearance

**COMMON ORDER**

These Civil Revision Petitions have been directed against the fair and decretal order dated 11.02.2011 passed in C.M.A.(CS) Nos.1, 2 and 3/2008 by the Principal District Judge, Tuticorin and also the order passed in Tha.Va.Nos.6, 7 and 8/2006-2007 dated 20.05.2007 on the file of the Deputy Registrar of Cooperative Societies, Kovilpatti on the ground that no notice was served upon the petitioner and therefore, the order dated 20.05.2007 passed by the Deputy Registrar of Kovilpatti is against the principles of natural justice.

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



2. When the same was questioned before the Principal District Court, Tuticorin, in C.M.A.(CS)Nos.1, 2 and 3/2008, the learned appellate Court failed to note that the Deputy Registrar of Cooperative Societies has acted against law and the order dated 20.05.2007 passed by the first respondent is highly belated one. As per law, the said order would have been pronounced within six months from the date of receipt of the notice. However, in this case, the petitioner received the notice only on 21.11.2006 and the order has been pronounced after ten months, ie. on 29.09.2007. This crucial aspect has been completely overlooked and that the loanee, who have taken the loan from the bank, has not been enquired properly. Finally, the appellate Court come to a wrong conclusion that the petitioner has not raised any single or valid reason to disbelieve the impugned order. But, this Court hardly finds any merits in the submissions advanced before this Court.

3. It is seen that 0.1134 Padarnthapuli Primary Agriculture Cooperative Bank was established for the purpose of extending loan and advances to the members of the Society. When the petitioner was serving as a Secretary of the said Society and was entrusted with the power of supervision of the employees of the Society and to scrutinize the daily accounts of the Society, he has to take note of the audit accounts for all the entries of the Society. Therefore, finding that some irregularities have taken place in handling the money, notice was sent to the last resident of the petitioner, the same was returned as unclaimed. Therefore, again on 12.01.2007, it was served upon the petitioner and a copy of the notice was also served to the original residential address on 19.01.2007, but the petitioner failed to give any explanation to the said notice. He was repeatedly asking for the copies of the proceedings passed under Section 81 of the Cooperative Societies Act. Although he has submitted his explanation, the members have denied the factum of obtaining the loan as found in the ledgers and their signatures were also disputed. Therefore, on going through the entire documents, it was clearly found that the petitioner was given sufficient opportunities to present his case. Even when enquiry was conducted on various dates, namely, 19.02.2007, 28.02.2007, 15.03.2007, 23.03.2007, 11.04.2007, 24.04.2007, 11.05.2007 and finally on 20.05.2007, the petitioner failed to make use of the same to explain his case. Therefore, he cannot now turn around and object for passing an order either under under Section 81 or 87 of the said Act. Hence, the appellate Court, while entertaining the appeal filed against the order dated 20.05.2007 passed by the Deputy Registrar of Cooperative Societies, held against the petitioner stating that the Secretary cannot simply disown his responsibilities and escape by putting blame on others. Moreover, it is also seen that the petitioner was issued with notice and subsequently, when enquiries were held on various dates, it is not known as to why the petitioner did not make use of this opportunity. Therefore, this Court is unable to find any error or infirmity in the impugned



order. Accordingly, these Civil Revision Petitions fail and the same are dismissed. However, there is no order as to costs. Consequently connected Miscellaneous Petitions are closed.

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Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

**To**

The Deputy Registrar of Cooperative Societies,  
O/o. Deputy Registrar of Cooperative Societies,  
Kovilpatti, Thoothukudi District.

**Copy To:-**

The Principal District Judge,  
Tuticorin.

RR

TE : 07/01/2020 : 3P/3C

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