



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.02.2021

CORAM

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

REV.APLC.(MD)No.51 of 2020 and

CONT.P.(MD)No.895 of 2020 in WP(MD)8254/2020 and

W.M.P.(MD)No.16112 of 2020

in

REV.APLC.(MD)No.51 of 2020

S.Sairam

...Petitioner/Petitioner

Vs.

1. The Registrar of Co-operative Societies,
Office of the Registrar of Cooperative Societies,
No.170, Poondamalli High Road,
Kilpauk, Chennai - 600 010.
2. The Joint Registrar of Co-operative Societies,
Office of the Joint Registrar of Co-operative Societies,
Nagercoil, Kanyakumari District.
3. The Deputy Registrar of Cooperative Societies,
Office of the Deputy Registrar of Cooperative Societies,
Nagercoil,
Kanyakumari District.
4. The President,
Oie, 48, Myladi Primary Agricultural
Cooperative Credit Society,
Myladi, Kanyakumari District.

... Respondents

Prayer: Review petition is filed under Order 47 Rule 1 and 2 of the Civil Procedure Code, to review the order passed by this Court in W.P.(MD)No.8254 of 2020 dated 02.09.2020.

Prayer in WP(MD). 8254/ 2020 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue Writ of Mandamus or any other appropriate Writ or direction, directing the 1st and 2nd respondent to transfer the proceedings initiated by the 3rd respondent under Tha.Va.No.01/2019-20/Sa.Pa (Na.Ka.3623/2019/Sa.Pa) to any other deputy Registrar of Cooperative societies to adjudicate the surcharge proceedings initiated under Sec.87 of the Tamilnadu cooperative Societies Act.

For Petitioner	:	Mr.K.R.Laxman
For R-1 to R-3	:	Mr.P.Mahendran, Additional Government Pleader.



CONT.P.(MD)No.895 of 2020

S.Sairam

... Petitioner/Petitioner

Vs.

P.Sankaran,
The Deputy Registrar of Cooperative Societies,
Office of the Deputy Registrar of Cooperative Societies,
Nagercoil, Kanyakumari District.

Prayer: Contempt petition is filed under Section 11 of Contempt of Court Act, 1971, to punish the contemnor/3rd respondent for the wilful disobedience of the order of this Court made in W.P.(MD) No.8254 of 2020, dated 02.09.2020. **Prayer in WP(MD). 8254/ 2020 :**

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue Writ of Mandamus or any other appropriate Writ or direction, directing the 1st and 2nd respondent to transfer the proceedings initiated by the 3rd respondent under Tha.Va.No.01/2019-20/Sa.Pa (Na.Ka.3623/2019/Sa.Pa) to any other deputy Registrar of Cooperative societies to adjudicate the surcharge proceedings initiated under Sec.87 of the Tamilnadu cooperative Societies Act.

For Petitioner : Mr.K.R.Laxman
For Respondents : Mr.P.Mahendran,
Additional Government Pleader.

C O M M O N O R D E R

Heard the learned counsel on either side.

2. The petitioner is a former President of Oie.48, Myladi Agricultural Co-operative Credit Society, Myladi, Kanyakumari District. He is facing Surcharge proceedings under Section 87 of Tamil Nadu Cooperative Societies Act. Thiru.P.Sankaran, Deputy Registrar of Cooperative Societies is holding the enquiry. The petitioner filed W.P.(MD)No.8254 of 2020 seeking transfer of the proceedings to some other authority. This Court vide order dated 02.09.2020 disposed of the writ petition with certain terms. Contending that the directions of this Court have not been complied with, Cont.P.(MD)No.895 of 2020 has been filed. To review the order passed by this Court in W.P.(MD)No.8254 of 2020, Review Petition(MD) No.51 of 2020 has been filed.

3. The learned counsel appearing for the petitioner took me through the deposition to drive home his point that the enquiry officer has gone beyond the call of his duty.

4. The learned Additional Government Pleader appearing for the

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



respondents would submit that the case on hand involves more than one Crore of Rupees. He would point out that Thiru.Sankaran, enquiry officer has no personal grudge or animosity against the persons facing the enquiry.

5. After going through the deposition, I am of the view that in the cross examination, many things have been found against the petitioner and witness has deposed even in respect of those aspects that are not even covered in the chief examination or in the statement given earlier.

6. I consciously do not want to go into the said controversy. The learned counsel on either side in order to put on end to the controversy, called upon me to stipulate the next course of action. It is stated in the following terms:-

a) There are totally 43 witnesses, out of them 28 witnesses have already been examined. In view of the allegation made, the testimony so far given will be eschewed from the record and all the witnesses will be examined afresh.

b) The enquiry will be conducted by Thiru.P.Sankaran, enquiry officer himself and there will not be any change of officer holding the surcharge enquiry.

c) The petitioner is directed to install CCTV at his own cost so that the entire proceedings will be duly videographed.

d) Thiru.P.Sankaran, enquiry officer shall have regard to the observations made by this Court vide Order dated 02.09.2020 in W.P.(MD)No.8254 of 2020.

e) Since the Surcharge proceedings could not be processed on account of the intervention of this Court, limitation will stand correspondingly extended and the Surcharge proceedings will be concluded on merits and in accordance with law on or before 30.04.2021. The period from 20.07.2020 to 30.04.2021 will be excluded while computing the limitation.

7. Review Petition(MD)No.51 of 2020 and Cont.P.(MD)No.895 of 2020 are disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the



advocate/litigant concerned.

To:

1. The Registrar of Co-operative Societies,
Office of the Registrar of Cooperative Societies,
No.170, Poondamalli High Road,
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2. The Joint Registrar of Co-operative Societies,
Office of the Joint Registrar of Co-operative Societies,
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3. The Deputy Registrar of Cooperative Societies,
Office of the Deputy Registrar of Cooperative Societies,
Nagercoil,
Kanyakumari District.

+1 CC to GP (SR-6479[F] dated 22/02/2021)

REV.APLC.(MD)No.51 of 2020 and
CONT.P.(MD)No.895 of 2020

19.02.2021

(SV2)

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