

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.No. 6511 of 2021

and

W.M.P.Nos. 7091 & 7092 of 2021

P.Mahalakshmi

...Petitioner

Vs.

1. The Deputy Registrar of Co-op Soceties,
Mayiladuthurai Circle, Mayiladuthurai,
Mayiladuthurai District.
2. The Managing Director / Deputy Registrar,
Mayiladuthurai Consumer's Co-operative
Wholesale Stores ltd., T.917,
No.5-B, Narayana Pillai Street,
Mayiladuthurai - 609 001,
Mayiladuthurai District.
3. The Sale Officer / Co-operative Sub Registrar /
Field Officer, (Sembankoil)
O/o. Deputy Registrar of Co-op Societies,
Mayiladuthurai Circle, Mayiladuthurai,
Mayiladuthurai District.

..Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India for issuance of writ of certiorarified mandamus, calling for the entire records relating to the impugned order passed by the 3rd respondent in his proceedings Form No.7 dated 01.03.2021 and quash the same.

For Petitioner : Mr.C.Prakasam

For Respondents : Mr.G.B.Rajesh, Govt. Advocate

O R D E R

After some arguments, the learned counsel for the petitioner has submitted that yet another writ petition in W.P.No.5374 of 2021 is pending before this Court and this present writ petition has to be taken along with the same.

2. The learned counsel for the respondents submit that the petitioner has indulged with an incorrect practice of misappropriate funds to the tune of Rs.40,95,832 and therefore, an enquiry under Section 81 of the Co-operative Societies Act was ordered and a final report has been filed on 29.09.2014 held that the petitioner is responsible for the same. After providing an opportunity to the petitioner, the respondent Society has also initiated surcharge proceedings as against the petitioner and has passed an order on 10.04.2015. As against the surcharge order, the petitioner preferred W.P.No. 19594 of 2015 on the ground that 81 Enquiry report has not been furnished to the petitioner. This Court allowed the said writ petition by order dated 27.06.2017 and remitted the matter to the 1st respondent to consider afresh and pass orders on merits.

3. Accordingly, after 81 enquiry report has been furnished to the petitioner, a fresh surcharge proceedings in Na.Ka.No. 2658/2014/Va.Tha was initiated and final orders have been passed on 19.09.2018. The society has also initiated an E.P in CEP 1 of 2019 and the same was allowed. At this stage, the petitioner has also filed an appeal before the District Court / Co-operative Tribunal, Nagapattinam in C.M.A.No. 1 of 2019 t as against the surcharge proceedings. After the order in EP, the Form 6 notice was issued to the petitioner on 26.06.2019 and thereafter, the Form 7 notice has been issued for attachment of immovable property for the non-payment of Rs.40,95,832.61/-.

4. Mr.C.Prakasam, learned counsel for the petitioner has insisted that this matter has to be taken along with a writ petition in W.P.No. 5374 of 2021. When this Court has made it clear that the issue in W.P.No. 5374 of 2021 will be dealt with separately, the learned counsel appearing for the petitioner has come forward to withdraw the writ petition.

5. At request of the learned counsel for the petitioner, this writ petition dismissed as withdrawn. Consequently, connected miscellaneous petitions are closed. No costs.

Sd/-
Assistant Registrar
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//True Copy//

Sub Assistant Registrar

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To:

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2.The Managing Director / Deputy Registrar,
Mayiladuthurai Consumer's Co-operative
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3.The Sale Officer / Co-operative Sub Registrar /
Field Officer, (Sembanarkoil)
O/o. Deputy Registrar of Co-op Societies,
Mayiladuthurai Circle, Mayiladuthurai,
Mayiladuthurai District.

+1 cc to M/s.C.Prakasam, Advocate Sr.No. 16890

W.P.No. 6511 of 2021
and

W.M.P.Nos. 7091 & 7092 of 2021

PMK (CO)
RMP (01/04/2021)



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