

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.02.2021

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

CRP.(PD).No. 3097 of 2016

and

C.M.P.No. 15788 of 2016

M.Thangavel

... Petitioner

Vs.

1.The Deputy Registrar of Co-operative Societies,
Pollachi, Market Road, Pollachi.

2.The Special Officer,
K-4218, Semmandampalayam,
Primary Agriculture Co-operative Bank,
Semmandampalayam,
Semmandampalayam Post,
Somanur Via, Palladam Taluk,
Coimbatore – 641 668.

... Respondents

PRAYER: The Civil Revision Petition is filed under Article 227 of the Constitution of India praying to set aside the Judgment and Decree order dated 03.06.2016 passed by the Learned Principal District Judge, Coimbatore in C.M.A.No.85 of 2010 confirming the order dated 27.04.2007 passed by the Deputy Registrar of Co-operative Society in S.C.No.6 of 2006 Sa.Ba.

For Petitioner : Mr.L.Mouli

For Respondents : Ms.T.Girijen (For R1)
Additional Government Pleader.

Mr.A.S.Balaji (For R2)

ORDER

The present Civil Revision Petition is directed as against fair and decretal order passed in C.M.A.No.85 of 2010 dated 03.06.2016 on the file of the Learned Principal District Judge, Coimbatore, thereby confirming the order passed by the first respondent dated 27.04.2007 in S.C.No.6 of 2006 Sa.Ba., thereby the petitioner and others were directed to pay a sum of Rs.94,12,721.01/-.

2. The Petitioner was while working as a Secretary of Semmandampalayam Primary Agriculture Co-operative Bank, Coimbatore, he along with others mis-appropriated to the tune of Rs.94,12,721.01/- and after enquiry the surcharge proceedings was initiated and orders passed under Section 87 of the Tamil Nadu Co-operative Societies Act, 1983 and thereby directed them to pay a sum of Rs.94,12,721.01/-.

3. Aggrieved by the same, the petitioner filed appeal before the Learned District Judge, Coimbatore/Co-operative Tribunal in C.M.A.No.85 of 2010 and the same was also dismissed and confirming the order passed by the first respondent herein.

4. Aggrieved by the same, the present Civil Revision Petition has been filed.

5. Learned counsel for the petitioner submitted that only in respect of 7th item of surcharge proceedings thereby directed the petitioner and others to pay a sum of Rs.42,49,364/-. He further submitted that according to the first respondent, there was no records in respect of disbursal of loan amount to the beneficiaries.

6. Instead of producing the same by the first respondent, he directed the petitioner to produce the same and as such, the entire proceedings initiated by the first respondent in respect of 7th item is vitiated and liable to be set aside.

7. On perusal of 7th item of surcharge proceedings with regard to the disbursal of farm loan to the tune of Rs.42,49,364/-. There where 74 loans were disbursed in fictitious names. There was no records to show the beneficiary names in respect of disbursal of loan amount and no other records are available. Further, there was no certificates issued by the Village Administrative Officer in favour of the beneficiaries. Whereas, the amount of Rs.42,49,364/- only disbursed in fictitious names. Therefore, the first respondent as well as Learned District Judge, Coimbatore/Co-operative Tribunal did not find any reason to interfere with the surcharge proceedings. This Court also do not find any infirmity or illegality in the orders passed by the first respondent as well as Learned District Judge, Coimbatore/Co-operative Tribunal.

8. Accordingly, the Civil Revision Petition is dismissed. No Costs. Consequently, the connected Civil Miscellaneous Petition is closed.

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Speaking/Non-speaking order

Index : Yes/No

Internet : Yes/No

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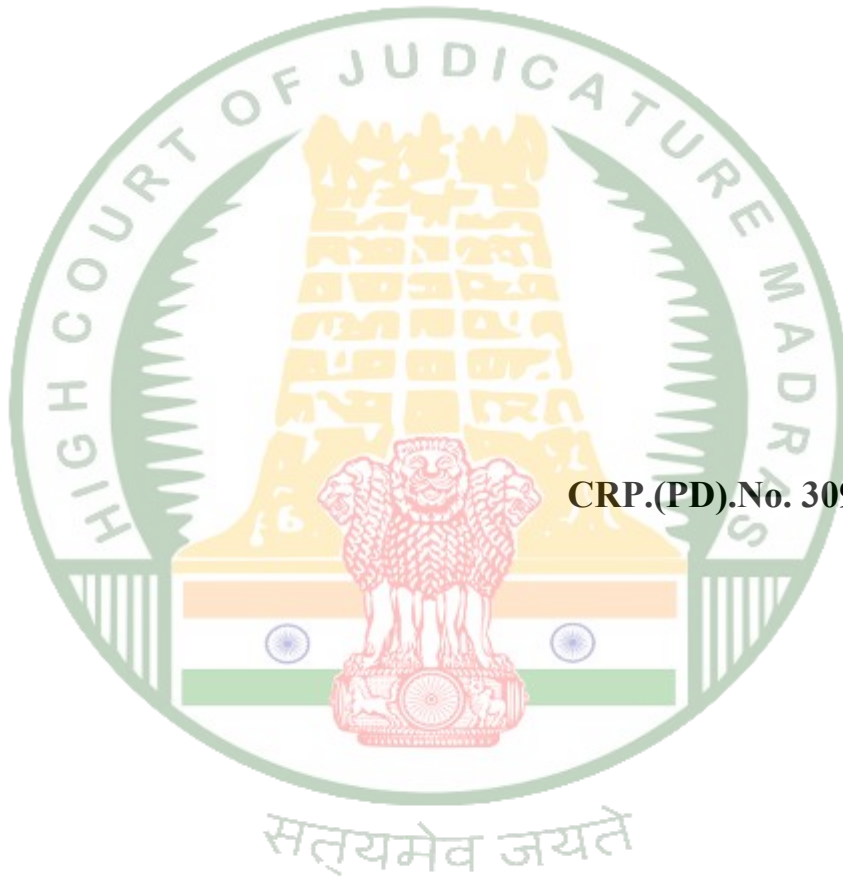
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G.K.ILANTHIRAIYAN,J.

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