



C.R.P.(NPD).No.2593 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.11.2021

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

C.R.P.(NPD).No.2593 of 2021

and

C.M.P.Nos.19220 and 19222 of 2021

R.Saravanan

.. Petitioner

Vs.

1. The Deputy Registrar of Co-Operative Societies,
Thirukovilur, Villupuram District.

2. The Co-Operative Sub-Registrar/ Field Officer,
Chinnasalem Circle, Chinnasalem,
Kallakurichi District.

.. Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, praying to allow the above Civil Revision Petition and set aside the fair and decreetal order dated 15.09.2021 passed in C.M.A.No.12 of 2020 on the file of the Principal District Court, Villupuram and consequently set aside the order of the first respondent bearing Na.Ka.No.511/2020 Thovesa dated 24.02.2020 and the report of the second respondent dated 31.08.2020 as the same are made without jurisdiction.



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For Petitioner : Mr.A.S.Thambusamy

For Respondents : Mr.A.Edwin Prabakar,
Government Advocate

ORDER

Revision is directed against the order of the appellate Court viz., the Principal District Court, Villupuram dismissing the appeal filed by the petitioner under Section 152(1) of the Co-operative Societies Act as a premature and not maintainable.

2. I do not see any reason to interfere with the order of the learned District Judge, in as much as, the proceedings that were challenged before the learned District Judge is the show cause notice that was issued under Section 81 of the Co-operative Societies Act. The notice under Section 81 of the Co-operative Societies Act is only a prelude or show cause notice for initiating action under Section 87. Section 87 empowers Authorities to initiate surcharge proceedings on the the erring officials, if it is found that they have committed willful negligence and had caused monetary loss to the Society.



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WEB COPY 3. Section 152 of the Co-Operative Societies Act reads as follows:-

152. Appeals.-- (1) Any person aggrieved by—

(a) any decision or award passed or order made or proceedings taken under sub-93 section (1) of section 87, sub-section (2), sub-section (3) or sub-section (4) of section 90, section 118, section 119, section 143, section 144 or section 167; or

(b) any award of an arbitrator or arbitrators under sub-section (2) or sub-section (3) of section 90; or

(c) any award of an arbitrator under section 100, may appeal to the Tribunal:

4. Proviso and other sub-Sections are not germane for our purpose. In view of section 152(1) extracted above, it is clear that only the decisions or award passed under Section 87 of the Co-operative Societies Act could be subject matter of appeal under Section 152. Considering the fact that what is challenged before the appellate Court is only the show cause notice, the appeal is not maintainable.



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WEB COPY 5. I do not find any reason to interfere with the order of the learned Principal District Judge, Villupuram. The Revision therefore fails and it is accordingly **dismissed**. It will be open to the petitioner to raise all defences available to him in the proceedings under Sections 81 or 87 of the Co-operative Societies Act which may be taken by the Society. No costs. Consequently, the connected miscellaneous petition is closed.

30.11.2021

dsa

Internet :Yes

Index : No

Speaking order



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To

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The Principal District Judge, Villupuram.



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R.SUBRAMANIAN, J.

dsa

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