



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **23.06.2021**

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) .No.8254 of 2021

M.Sivakumar

... Petitioner

Vs.

1. The Joint Registrar (Divisional),
Co-operative Societies,
Annavaasal Road, Pudukkottai District.

2. The Deputy Registrar,
Co-operative Societies,
Aranthangi Town and Taluk,
Pudukkottai District.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, for the issuance of Writ of Mandamus, directing the respondents to consider the request of the petitioner to reduce the interest portion and to pay monetary loss of principle amount assessed in Na.Ka.No.1659/2013/A3, issued by the second respondent, dated 15.04.2014, based on the representation of the petitioner, dated 23.11.2020.

For Petitioner

: Mr.M.Suresh

For R-1 & R-2

: Mr.M.Lingadurai

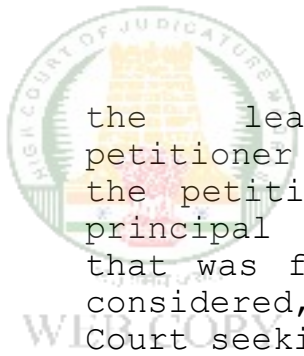
Government Advocate

ORDER

This writ petition has been filed for the issue of a Writ of Mandamus, directing the respondents to consider the representation made by the petitioner on 23.11.2020, wherein, the petitioner has made an offer to pay the entire principal amount assessed by the second respondent in his proceedings, dated 15.04.2014, with a reduction in the interest fixed by the second respondent.

2. The case of the petitioner is that an enquiry under Section 81 of the Tamil Nadu Co-operative Societies Act, 1983, was initiated and a report was submitted to the effect that the petitioner and others had caused loss to the Society to the tune of Rs.3,59,217/- (Rupees Three Lakhs Fifty Nine Thousand Two Hundred and Seventeen only) . Based on the report, a show cause notice came to be issued to the petitioner and six others in the year 2013 and the petitioner and others gave their reply. Not being satisfied with the same, Surcharge proceedings were initiated under Section 87 of the Tamil Nadu Co-operative Societies Act, 1983. Ultimately, the second respondent passed an order on 15.04.2021 and directed the payment of principal amount along with interest at the rate of 14.5%.

3. Aggrieved by the same, appeal came to be filed before



the learned Principal District Judge, Pudukkottai, by the petitioner and two others and the same is pending. In the meantime, the petitioner approached the respondents and agreed to pay the principal amount and requested for the reduction of the interest that was fixed by the second respondent. Since the same was not considered, the present Writ Petition has been filed before this Court seeking for appropriate directions.

4. Heard Mr.M.Suresh, learned counsel appearing for the petitioner and Mr.M.Lingadurai, learned Government Advocate appearing for the respondents.

5. Taking into consideration the facts and circumstances of the case and also the earlier order passed by this Court in W.P. (MD).No.17547 of 2019, dated 22.08.2019, wherein, a similar request was entertained and the interest was reduced, there shall be a direction to the respondents to reduce the interest portion from 14.5% to 10%. The petitioner can be directed to pay the entire principal amount along with the reduced interest of 10%.

6. This Writ Petition is disposed of with the following directions:-

"a). the petitioner is directed to pay the entire principal amount along with interest at the rate of 10% per annum before the first respondent within a period of six (06) weeks from the date of receipt of a copy of this order.

(b). If the petitioner fails to pay the amount along with reduced interest within the time limit stipulated by this Court, the petitioner will be liable to pay the amount as fixed by the second respondent in the proceedings, dated 15.04.2014 and

(c). once the payment made by the petitioner is accepted by the first respondent, the petitioner shall file an appropriate memo before the learned Principal District Judge, Pudukkottai and withdraw the appeal pending in C.M.A.(CS).No.8 of 2016."

No costs.

Sd/-

Assistant Registrar (AD II)

// 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 Joint Registrar (Divisional),
Co-operative Societies,
Annavaasal Road, Pudukkottai District.
2. The Deputy Registrar,
Co-operative Societies,
Aranthangi Town and Taluk,
Pudukkottai District.

+1 CC to M/s.SPL GP (SR-20167[F] dated 24/06/2021)

W.P. (MD) .No.8254 of 2021
23.06.2021

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KK(02.07.2021) 3P 4C