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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.03.2022

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P.No.34124 of 2012

and

M.P.No.1 of 2012

- 1.Sakunthala
- 2.K.Ravichandran
- 3.K.Mathi @ Senthilkumar
- 4.K.Murali
- 5.Prema @ Amudha

.. Petitioners

Vs.

1. The Dy. Registrar of Co-operative Societies,
Dharmapuri Town - 636 701,
Dharmapuri District.
2. The Special Officer,
K.K.61, Samanur Primary Agricultural
Cooperative Bank Ltd.,
Samanoor Village & Post,
Palacode Taluk, Dharmapuri District.
3. C.Selvam,
Secretary,
K.K.61, Samanoor Primary Agricultural
Cooperative Bank Ltd.,
Samanoor Village & Post,
Palacode Taluk, Dharmapuri District.
4. C.Govindaraj,
Asst. Secretary,
K.K.61, Samanur Primary Agricultural
Cooperative Bank Ltd.,
Samanoor Village & Post,
Palacode Taluk, Dharmapuri District.
5. M.Shanmugasundaram,
(Senior Clerk),
K.K.61, Samanur Primary Agricultural
Cooperative Bank Ltd.,
Samanoor Village & Post,
Palacode Taluk,
Dharmapuri District.



6.Kamala

7.Sadhasivam

8.Ganapathi

9.Chandra

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorari, calling for the entire records relating to Na Ka No.7010 of 2003 Sa.Pa.2 dated 12.12.2005 from the file of the 1st respondent herein and the appellate order by the Judgment and Decree dated 18.10.2011 in C.M.A.(C.S.).No.6 of 2009 on the file of the Principal District Judge, Dharmapuri at Krishnagiri, quash the same.

For Petitioners	:	Ms.S.P.Nirmala for Mr.D.Shivakumaran
For R1	:	Mr.U.Baranidharan Additional Government Pleader
For R2	:	Mr.V.Kamaraj for Mr.L.P.Shanmugasundaram
For RR 3 to 5	:	No appearance
For RR 6, 7 & 9	:	Mr.K.Elango
For R8	:	Deceased

O R D E R

The present Writ Petition is filed challenging the surcharge proceedings dated 12.12.2005 passed by the 1st respondent and judgment and decree dated 18.10.2011 in C.M.A.(C.S.).No.6 of 2009 passed by the learned Principal District Judge, Dharmapuri at Krishnagiri, fixing the loss of Rs.26,12,830.37 and liability of C.Selvam, Secretary, Sa.Badhrayan, erstwhile President, C.Govindaraj, Assistant Secretary, M.Shanmugasundaram, Senior Clerk and deceased S.M.Krishnan and directing them to pay the said sum together with 21% interest. The appeal filed by the legal heirs of the deceased S.M.Krishnan, who are the petitioners herein in C.M.A.(C.S.).No.6 of 2009 was dismissed by the Principal District Judge, Dharmapuri by the Judgment and Decree dated 18.10.2011.



2. Against the said judgment and decree dated 18.10.2011 made in C.M.A.(C.S.).No.6 of 2009, the petitioners have come out with the present Writ Petition.

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3. Heard the learned counsel appearing for the petitioners as well as learned Additional Government Pleader appearing for the 1st respondent and the learned counsel appearing for the 2nd respondent and respondents 6, 7, 9 and perused the entire materials on record.

4. Today when the Writ Petition is taken up for hearing, Mr.U.Baranidharan, learned Additional Government Pleader appearing for the 1st respondent has produced a letter of the 1st respondent dated 07.03.2022 addressing to the Special Government Pleader (Co-operative), Madras High Court, Chennai, stating that the entire amount of Rs.26,12,830.37 together with interest was recovered from C.Selvam, Secretary, C.Govindaraj, Assistant Secretary and M.Shanmugasundaram, Senior Clerk and there is no loss to the society. The learned Additional Government Pleader on instructions, further submitted that the 1st respondent will not initiate any recovery proceedings against the petitioners and respondents 6 to 9.

5. Recording the above said submissions made by the learned Additional Government Pleader, this Writ Petition is closed. Consequently, the connected Miscellaneous Petition is closed. No costs.

Sd/-
Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

krk

To

1. The Dy. Registrar of Co-operative Societies,
Dharmapuri Town - 636 701,
Dharmapuri District.



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2. The Special Officer,
K.K.61, Samanur Primary Agricultural
Cooperative Bank Ltd.,
Samanoor Village & Post,
Palacode Taluk, Dharmapuri District.

+1cc to Mr.K.Elango, Advocate, S.R.No.16000

+1cc to the Government Pleader, S.R.No.16219

W.P.No.34124 of 2012

GPL(CO)
SU(28/03/2022)