



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.04.2022

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P(MD)No.2456 of 2015

and

M.P(MD)No.2 of 2015

G.Balasubramanian

... Petitioner/Appellant

Vs.

1.The Special Officer,
0.508, Mamsapuram Primary Agricultural
Co-operative Bank Limited,
Mamsapuram (Post),
Srivilliputhur Taluk,
Virudhunagar District.

2.The Deputy Registrar (Co-operatives),
Office of the Deputy Registrar,
Srivilliputhur-626 125,
Virudhunagar District.

... Respondents/ Respondents

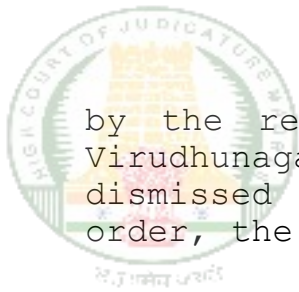
PRAYER : Civil Revision Petition is filed under Article 227 of Constitution of India against the judgment and decree passed in C.M.A(CS)No.8 of 2008 on the file of the learned District Judge, Virudhunagar at Srivilliputhur, dated, 23.06.2015 , confirming the order passed by the second respondent in Na.Ka.No.5816 of 2005, dated, 29.02.2008.

For Petitioner : M/s.Roja
for M.Ashok Kumar

For Respondents : Mr.J.Gunaseelam Muthiah
for R1
No Appearance
for R2

ORDER

The present revision petition has been filed challenging an order of the learned District Judge, Virudhunagar in C.M.A(CS)No.8 of 2008. The revision petitioner faced surcharge proceedings and suffered a surcharge order, dated, 29.02.2008. The said order under Section 87 of Tamil Nadu Co-operative Societies Act was challenged



by the revision petitioner before the Principal District Court, Virudhunagar at Srivilliputhur. The learned District Judge has dismissed the said C.M.A(CS)No. 8 of 2008. Challenging the said order, the present revision petition has been filed.

2. The main grievance of the revision petitioner is that the co-operative tribunal has not independently considered the pleadings and evidence placed before it. Instead, the co-operative tribunal was carried away by this findings rendered by the Deputy Registrar (Co-operative Society), Srivilliputhur. The learned counsel for the revision petitioner further contended that the findings of the original authority have been simply extracted by the co-operative tribunal and without assigning any independent reasons, the co-operative tribunal has dismissed the appeal.

3. The learned counsel for the revision petitioner further contended that though the petitioner has raised various grounds in the grounds of appeal and made submissions, none of them have been considered by the learned co-operative tribunal.

4. Heard the learned counsel appearing for the petitioner and for the 1st respondent. There is no representation on the side of the 2nd respondent.

5. Admittedly, the petitioner has suffered a surcharge order on 29.02.2008 at the hands of the second respondent herein. The revision petitioner has filed an appeal before the co-operative tribunal, raising various grounds, including the ground that the documents requested by him were not furnished by the department.

6. A perusal of the order of the co-operative tribunal indicates that the entire order of the original authority has been extracted up to paragraph number 27. Thereafter, from paragraph number 28 and 29, without independently considering the contentions of the revision petitioner and without analysing the grounds raised by the revision petitioner, the co-operative tribunal has simply dismissed the appeal with a finding that there is no reason to allow the appeal. A perusal of the impugned order of the co-operative tribunal will clearly indicate that the co-operative tribunal has not considered the grounds of appeal and the submissions made during the hearing of the appeal, but has simply been carried away by the findings of the second respondent herein.

7. Hence, the order in C.M.A(CS)No. 8 of 2008 is set aside. The appeal is remitted back to the file of the District Court/co-operative tribunal, Virudhunagar at Srivilliputur for fresh consideration after independently considering the documentary evidence and the submissions made on the side of the revision petitioner.



8. Accordingly, this Civil Revision Petition is allowed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS-II)

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/ /2022

Sub Assistant Registrar(CS)

gbg

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 District Judge/Co Operative Tribunal,
Srivilliputhur,
Virudhunagar District.

2.The Special Officer,
0.508, Mamsapuram Primary Agricultural
Co-operative Bank Limited,
Mamsapuram (Post),
Srivilliputhur Taluk,
Virudhunagar District.

3.The Deputy Registrar (Co-operatives),
Office of the Deputy Registrar,
Srivilliputhur-626 125,
Virudhunagar District.

4.The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.M.ASHOK KUMAR, Advocate (SR-20847[F] dated
25/04/2022)

C.R.P (MD)No.2456 of 2015
25.04.2022

NSN (CO)

KB(13.06.2022) 3P 6C

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