



CRP. No.3367 of 2017

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED: 04.09.2023**

**CORAM:**

**THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI**

**CRP. No. 3367 of 2017**

R.Raju

...Petitioners/Appellant

Vs.

- 1.The Deputy Registrar of Cooperative Societies,  
Chengalpattu Region,  
Chengalpattu.
- 2.The Special Officer,  
Air Force Civilian Employees,  
Co-operative Thrift and Credit Society Limited,  
G.S. 145, Air Force Station, Tambaram,  
Chennai.

... Respondents.

**PRAYER :** This Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to set aside the judgment and decree dated 21.06.2016 passed in Co-operative Civil Miscellaneous Appeal No. 3 of 2009 on the file of the learned Principal District Judge of kancheepuram District, Chengalpattu confirming the order passed in Tha.Thi.No.1/2005-2006 Ku.1 dated 19.07.2005 on the file of the Cooperative societies, Chengalpattu Region, chenglepet on the file of the 1<sup>st</sup> respondent and allow the civil Revision petition.



CRP. No.3367 of 2017

For Petitioner : Mr.S.Sadasharam  
For R1 : Ms.P.Vijaya Devi  
For R2 : Mr.L.P. Shanmugasundaram

### **ORDER**

Challenging the impugned order dated 21.06.2016 passed in Co-operative Civil Miscellaneous Appeal No. 3 of 2009 on the file of the learned Principal District Judge of kancheepuram District, Chengalpattu, the petitioner/appellant preferred this revision petition.

2. The brief facts of the case are as follow:

The first respondent initiated inspection on 18.03.2005, at Air Force Civilian Employees Co-operative Thrift and Credit Society Limited (in short "society"), G.S. 145, Air Force Station, Tambaram, under Section 82 of Cooperative Societies Act, Chennai, based on the order dated 10.12.2004 and found that the petitioner misappropriated to the tune of Rs.17,06,583/- in the society. Accordingly, proceedings were initiated against the petitioner under Section 87 (1) of the Cooperative Societies Act and also show notice was given to him by the Deputy Registrar of Cooperative Society, Chengalpattu, and the petitioner also replied to the



CRP. No.3367 of 2017

notice. In addition to this enquiry was conducted and finally held that the petitioner misappropriated to the tune of Rs.17,00,000/- in the society thereby directed him to pay the said amount with 18% interest. Challenging the said findings the petitioner preferred an appeal before the Principal District Judge of kancheepuram District, Chengalpattu, which independently analysed the facts and evidence finally held that despite giving several opportunities to the petitioner to submit his explanation but he remains exparte and also the petitioner has not prove his claim with material evidence. Accordingly, dismissed the appeal. Challenging the same the petitioner preferred this appeal.

3. The learned counsel for the petitioner submitted that petitioner filed writ petition before this court in W.P No. 21570 of 2005 challenging the show cause notice issued by the first respondent while the matter was pending before this Court the first appellate authority passed the exparte order which is contravention of mandatory provisions of Section 87 of the Tamil Nadu Cooperative Societies Act 1983. Further, Principal District Judge of kancheepuram District, failed to appreciate this aspects hence he prays to allow this petition.



CRP. No.3367 of 2017

WEB COPY

4. The learned counsel for the respondent submitted that on 10.12.2004 first respondent ordered for inspection under Section 82 of TNCS Act, 1983 in to the affairs of the second respondent society. Thereafter, inspection officer submitted his report on 18.03.2005, in which, he recommended for surcharge proceedings to recover the loss of Rs.17,06,583/- caused by the petitioner to the society by fabricating the documents as if he repaid the amount to 246 borrowers of the loan in cash and caused financial loss to the cooperative society. Thereafter, show cause notice was issued against him on 12.04.2005 for which the petitioner replied on 04.05.2005. Thereafter, summon issued to the petitioner to appear for hearing on 20.05.2005 but he failed to appear. Subsequently, the petitioner was requested to appear for hearing on 20.06.2005, 30.06.2005 but not appeared and in his letter dated 14.06.2005 he requested to furnish relevant documents and asked to fix another date. Thereafter he appeared before the enquiry officer and collected relevant documents stated that he was not appeared due to ill health. Further, the first respondent issued summons for appearance on 14.07.2005 despite receiving summon the petitioner failed to appear for hearing, under these circumstances the first respondent proceeded surcharge proceedings and passed final award. Hence there is no procedural



CRP. No.3367 of 2017

lapse on the side of the first respondent. Hence he prays to dismiss this petition.

5. Considering the fact that the main contention of the petitioner is that he filed WP No.18642 of 2005 before this Court for calling for entire records in surcharge proceedings and quash the same but in the meantime the award was passed by the first respondent in the surcharge proceedings. However, the said writ petition was dismissed by this Court on 01.07.2019. Hence, the result of the writ petition was not in favour of the petitioner. Further, as rightly pointed out by the respondents from the year 2005 the petitioner has dragged on the proceedings and not paid any amount to the society which is running for the benefit of the Air Force Civilian Employees later as per the order of this Court the petitioner deposited a sum of Rs.8,53,292/- to the second respondent but the misappropriated amount was to the tune of Rs.17,06,583/- the entire amount was not recovered by the society besides criminal proceedings also pending against him. Further, the petitioner neither filed any material evidence to disprove his case nor regularly appeared before the first respondent. Hence, this Court does not find any merit in this petition. Accordingly, this Civil Revision petition is dismissed and findings of the Court below is confirmed. Further, the



CRP. No.3367 of 2017

amount already deposited by the petitioner ordered to be withdrawn by the first respondent.

6. In result, this Civil Revision petition is dismissed. No Cost. Consequentially Connected Miscellaneous petition(s), if any, is/are closed.

**04.09.2023**

pbl



WEB COPY



CRP. No.3367 of 2017

**T.V.THAMILSELVI,J.**

Pb1

**CRP. No.3367 of 2017**

04.09.2023