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W.P.(MD)No.8442 OF 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 23.08.2022

PRONOUNCED ON: 25.04.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)Nos.8442, 9761, 10191 & 18934 of 2020

and

**W.M.P.(MD)Nos.7823, 8767, 8872, 9063 & 15857 of 2020 &
13402 & 13969 of 2022**

W.P.(MD)No.8442 of 2020

M.Sundarakaleeswari

... Petitioner

Vs.

The Deputy Registrar of Co-operative Societies,
K.T.M.Complex, Salai Street,
Ramanathapuram – 623 504.

... Respondent

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records of the respondent relating to S.C.No.1/2019-2020 and quash the impugned proceedings dated 18.07.2020 impleading suo-motu the petitioner as a defendant in the said pending surcharge proceedings as against law, illegal and non-est in the eye of law.

For Petitioner : Mr.M.Ganesan

For Respondent : Mr.M.Senthil Ayyanar,
Government Advocate.

* * *



W.P.(MD)No.9761 of 2020

M.Sundarakaleeswari

... Petitioner

Vs.

1. The Deputy Registrar of Co-operative Societies,
K.T.M.Complex, Salai Street,
Ramanathapuram – 623 504.

2. S.Poorna Chandramathi

3. S.Francis

4. The Managing Director / Joint Registrar,
Ramanathapuram District Central Cooperative Bank Ltd.,
Vandikkara Street,
Ramanathapuram.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records of the respondent relating to S.C.No.1/2019-2020 and quash the impugned proceedings dated 03.08.2020 holding the petitioner as liable to make good the loss of Rs.9,77,561/- jointly and severally along with the respondents 2 and 3, as against law, illegal and non-est in the eye of law as far as the petitioner is concerned.

For Petitioner : Mr.M.Ganesan

For R-1 : Mr.M.Senthil Ayyanar,
Government Advocate.

For R-2 : Mr.R.Saravanan

For R-3 : Mr.C.Jeganathan

For R-4 : Mr.D.Shanmugarajasethupathy

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W.P.(MD)No.10191 of 2020

WEB COURT

S.Sathiamoorthy

... Petitioner

Vs.

1. The Deputy Registrar of Co-operative Societies,
K.T.M.Complex, Salai Street,
Ramanathapuram – 623 504.

2. S.Poorna Chandramathi

3. S.Francis

4. The Managing Director / Joint Registrar,
Ramanathapuram District Central Cooperative Bank Ltd.,
Vandikkara Street,
Ramanathapuram.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records of the respondent relating to S.C.No.1/2019-2020/Sa.Pa and quash the impugned proceedings dated 03.08.2020 holding the petitioner as liable to make good the loss of Rs.1,13,25,170/- jointly and severally along with the respondents 2 and 3, as against law, illegal and non-est in the eye of law as far as the petitioner is concerned.

For Petitioner : Mr.M.Ganesan

For R-1 : Mr.M.Senthil Ayyanar,
Government Advocate.

For R-2 : Mr.R.Saravanan

For R-3 : Mr.C.Jeganathan

For R-4 : Mr.D.Shanmugarajasethupathy

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W.P.(MD)No.18934 of 2020

WEB COURT

S.Poorna Chandramathi

... Petitioner

Vs.

1. The Deputy Registrar of Co-operative Societies,
K.T.M.Complex, Salai Street,
Ramanathapuram Post and District.

2. Sathiamoorthy

3. S.Francis

4. Sundara Kaleeswari

4. Ramanathapuram District Central Cooperative Bank Ltd.,
Rep. By its Managing Director / Joint Registrar,
Vandikkara Street,
Ramanathapuram Post and District.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records from the first respondent pertaining to the impugned order in S.C. No.1/2019-2020/Sa.Pa and quash the impugned proceedings dated 03.08.2020 passed by the first respondent and quash the same as illegal.

For Petitioner : Mr. R.Saravanan

For R-1 : Mr.M.Senthil Ayyanar,
Government Advocate.

For R-2 & R-4 : Mr.M.Ganesan

For R-5 : Mr.D.Shanmugarajasethupathy

For R-3 : Mr.C.Jeganathan

* * *

**COMMON ORDER**

Heard the learned counsel on either side.

2. The petitioners herein challenge the impugned order passed under Section 87(1) of the Tamil Nadu Cooperative Societies Act. The said order has been challenged by four persons, namely, Francis, Sathiamoorthy, Sundara Kaleeswari and Poorna Chandramathi.

3. I had set aside the impugned order as far as Thiru.Francis is concerned. The said Francis was a General Manager of Ramnad District Central Co-operative Bank Ltd., which has 32 branches. However, these three petitioners were employees of Nainarkovil Branch. Factual aspects are involved. The petitioners can very well avail the appeal remedy before the Cooperative Tribunal. If the petitioners file an appeal before the Cooperative Tribunal within four weeks from the date of receipt of a copy of this order, the Tribunal shall entertain the same without reference to limitation and give a disposal on merits and in accordance with law. All the contentions of the petitioners are left open. Merely because, I have treated the petitioners on a different basis, the same will not be put against the petitioners when their appeals are disposed of.



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4. These writ petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

25.04.2023

NCS : Yes / No
Index : Yes / No
Internet : Yes / No

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To:

The Deputy Registrar of Co-operative Societies,
K.T.M.Complex, Salai Street,
Ramanathapuram – 623 504.



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W.P.(MD)No.8442 OF 2020

G.R.SWAMINATHAN,J.

PMU

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