



W.P(MD)No.10543 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 15.09.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.10543 of 2015

The Assistant Director,
Khadi and Village Industries,
Office of Khadi and Village Industries Office,
Palayamkottai, Tirunelveli – 2.

... Petitioner

Vs.

1. A.Hussian

2.The Special Officer,
TNY 34 Shencottah Viswanathapuram,
Cane and Bamboo, Cooperative Society,
Panpuli, Tenkasi.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records on the file of the Learned Principle District Judge, Tirunelveli in CMA.(CS).No.30 of 2008 dated 21.08.2014 and quash the same by confirming the order passed by the Assistant Director Khadi and Village Industries , Tirunelveli in S.C.(Tha.Va). No.1/99-2000 dated 07.03.2008.



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For Petitioner : Mr.Raguvaran Gopalan

For Respondents : Mr.S.RA.Ramachandran,
Addl. Government Pleader for R2.
Mr.P.Saravanakumari for R1

ORDER

Heard the learned counsel on either side.

2.The case arises out of surcharge proceedings issued under Section 87 of the Tamil Nadu Cooperative Societies Act. It has held that a writ petition will not lie against an order passed by the Cooperative Tribunal and that only civil revision petition under Article 227 of the Constitution of India will be maintainable. In fact, when such writ petitions are listed, this Court would direct the Registry to convert the writ petition into civil revision petition under Article 227 of the Constitution of India. However, I do not propose to take such a course of action, in view of the special facts and circumstances obtaining in this case.



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3.The first respondent herein who was holding the rank of Cooperative Sub Registrar was working as Field Officer in the second respondent office. It was alleged that he was responsible for causing financial loss to the society and that is why, surcharge order came to be passed against him. Questioning the same, the first respondent filed appeal before the Cooperative Tribunal. The Appeal was allowed.

4.It is seen that the disciplinary action taken against the first respondent was ended in his favour. He was exonerated of all the charges. The criminal case registered against him had also ended in acquittal in C.A.No.151 of 2000. The subject matter pertains to the period 1993 – 1995.

5.In this view of the matter, it is better to give a quietus now itself.
This writ petition is dismissed. No costs.

15.09.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

ias

To:-

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Panpuli, Tenkasi.

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