



W.P(MD)No.23076 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.09.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.23076 of 2023

and

W.M.P(MD)No.19271 of 2023

M.Kuppachi

... Petitioner

Vs

- 1.The Joint Registrar of Co-operative Societies,
O/o.The Deputy Registrar of Co-operative Societies,
Dindigul Region,
Dindigul District.
- 2.The Deputy Registrar of Co-operative Societies,
O/o.The Deputy Registrar of Co-operative Societies,
Palani Region,
Dindigul District.
- 3.The Sub-Registrar,
O/o.The Sub Registrar,
DD 693 Vellapommanpatti Primary Agriculture Credit Societies,
Vellapommanpatti,
Vedasandur Taluk,
Dindigul District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Certiorari, to call for the records pertaining to the impugned notice issued by the second respondent dated



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17.08.2023 vide proceeding E.P.No.20 of 2023-24 and quash the same as illegal.

For Petitioner :Mr.M.Iniyavan

For Respondents :Mrs.D.Farjana Ghowshia
Special Government Pleader

ORDER

This writ petition is filed as against the notice issued in Form-6 as per Rule 119 and 126 of the Tamil Nadu Co-operative Societies Rules, 1988.

2. The impugned notice has been issued pursuant to the surcharge order passed as against the petitioner by the Sub-Registrar in his proceedings No.1 of 2021, dated 11.07.2022. Based on which, the Deputy Registrar / 2nd respondent has passed an order directing the petitioner to pay the amount of Rs.12,96,742/- together with 18% interest within 10 days.

3. The learned counsel for the petitioner has taken a specific stand that the order passed by the Sub-Registrar, dated 11.07.2022 has



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not been served to the petitioner. In view of the submission, this Court by earlier order dated 21.09.2023 has directed the respondents to furnish the details with regard to the service of this order to the petitioner.

4. In this regard, the learned Special Government Pleader produced the postal receipts dated 28.09.2022 that the order has been despatched to this petitioner by way of registered post on 28.09.2022.

5. This Court considered the rival submissions made.

6. As against the order passed by the first respondent, the petitioner is having a appeal remedy before the Co-operative Tribunal under Section 152 of the Tamilnadu Co-operative Societies Act, 1983. However, the petitioner claims that the order impugned has not been served upon him, the respondents have also produced only the postal receipts that the order dated 11.07.2022 has been despatched on 28.09.2022. Therefore, this writ petition is disposed of on the following terms:-



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(i) The respondents shall furnish a certified copy of the order dated 11.07.2022 to the petitioner within a period of one weeks from the date of receipt of a copy of this order.

(ii) On receipt of the copy of the order, the petitioner is permitted to file an appeal before the Co-operative Tribunal within a period of 60 days from thereon. No costs. Consequently, connected miscellaneous petition is closed.

NCC : Yes / No.
Index : Yes / No.
Internet:Yes
am

22.09.2023



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To

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Dindigul District.
- 2.The Deputy Registrar of Co-operative Societies,
Palani Region,
Dindigul District.
- 3.The Sub-Registrar,
DD 693 Vellapommanpatti Primary Agriculture Credit Societies,
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B.PUGALENDHI, J.

am

Order made in
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22.09.2023