



CRP(MD)Nos.1069 to 1077 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **30.10.2023**

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THE HONOURABLE **MR.JUSTICE P.B. BALAJI**

C.R.P.(MD)Nos.1069 to 1077 of 2017

and

C.M.P.(MD)Nos.4759 to 4767 of 2017

R 963 Thulayanatham Primary Agricultural
Co-operative Credit Society Ltd.,
Jembunathampuram Post,
Musiri Taluk,
Trichirappalli District,
Rep. By its Administrator.

...Petitioner in all petitions

/Vs./

1.S.Murugesan

2.The Deputy Registrar of Co-operative Societies,
Musiri Circle,
Musiri, Trichirappalli District.

...Respondents in all petitions

COMMON PRAYER:- Petitions - filed under Article 227 of the Constitution of India, to set aside the orders passed in CMA(CS)No.32, 33, 34, 35, 36, 37, 38, 39 & 40 of 2015 dated 19.12.2016 by the learned Principal District Judge, Trichirappalli and confirm the surcharge proceedings in Na.Ka.2656, 2657, 2658, 2659, 2660, 2460, 2461, 2462, 2463/2014/Sa.Pa., dated 08.06.2015, 08.06.2015 12.06.2015, 10.06.2015, 27.05.2015, 29.05.2015, 21.05.2015, 27.05.2015, 28.05.2015 respectively on the file of the second respondent herein,



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namely the Deputy Registrar of Co-operative Societies, Musiri Circle and allow the Civil Revision Petitions.

For Petitioner : Mr.M.Sridharan (in all petitions)

For Respondents : Mr.N.C.Ashok Kumar (R1)

(in all petitions)

Mr.A.Baskaran (R2)

Addl. Govt. Pleader (in all petitions)

COMMON ORDER

All these civil revision petitions have been preferred against the orders passed in CMA(CS)No.32, 33, 34, 35, 36, 37, 38, 39 & 40 of 2015 dated 19.12.2016 by the learned Principal District Judge, Trichirappalli, who has remanded the matters to the second respondent for fresh disposal in accordance with law, within a period of two months from the date of receipt of the copy of the orders.

2. These petitions have been filed mainly on the ground that no proper opportunity was given to the revision petitioner to put forth its contentions before the second respondent. The case of the revision petitioner is that sufficient opportunity was given to the first respondent to participate in the enquiry conducted by the second respondent and therefore, there was absolutely



no necessity for remitting the matter back to the second respondent and that the learned Principal District Judge, Tiruchirappalli, failed to take in account the fact that the first respondent has caused huge financial loss to the revision petitioner society. The hard-earned and lifetime savings of the poor agricultural deposit holders have been misappropriated by the first respondent.

3. Heard Mr.M.Sridharan, learned counsel appearing for the revision petitioner, Mr.N.C.Ashok Kumar, learned counsel appearing for the first respondent and Mr.A.Baskaran, learned Additional Government Pleader appearing for the second respondent.

4. Admittedly, the learned Principal District Judge, Tiruchirappalli, has fairly found that the copy of the enquiry report was not furnished to the first respondent, despite requisition being made to that effect. The learned Principal District Judge, Tiruchirappalli, also found that the request of the first respondent for appointing Advocate Commissioner was accorded, but no counsel represented the matter on the dates of the orders being passed by the second respondent and found that no proper opportunity was given and the matter was remitted back to the second respondent for being considered afresh in accordance with law.



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5. I do not find any infirmity in the said finding of the learned Principal District Judge, Tiruchirappalli, remitting the matter to the second respondent for fresh disposal. No prejudice would be caused to the parties, as the second respondent is going to hear both of them before passing any order that too, in accordance with law.

6. Considering the fact that civil miscellaneous appeals have been disposed as early as on 19.12.2016, setting aside the orders of the second respondent and that seven years have lapsed since the orders have been passed, a direction is issued to the second respondent to hear the parties, give them a fair opportunity to represent their respective cases and also afford legal service to the first respondent, if any request is made for legal representation. The second respondent shall fix a date for appearance of the parties and thereupon, enquire into the contentious issues and thereafter, pass orders on merits and in accordance with law, within a period of three months therefrom.



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7. These civil revision petitions are disposed with the above directions.

No costs. Consequently, connected miscellaneous petitions are closed.

30.10.2023

NCC : Yes/No
Internet :Yes/No
Index :Yes/No
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TO:-

- 1.The Principal District Judge, Trichirappalli.
- 2.The Deputy Registrar of Co-operative Societies,
Musiri Circle,
Musiri, Trichirappalli District.
- 3.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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P.B. BALAJI, J.

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Common Order made in
C.R.P.(MD)Nos.1069 to 1077 of 2017

Dated:
30.10.2023