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C.R.P. Nos.1171 of 2021 and 1174 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.R.P. Nos.1171 of 2021 and 1174 of 2021

and

C.M.P. Nos.10107, 8979, 8982 and 10111 of 2021

C.R.P. No.1171 of 2021

Chakarapani @ Viji S/o. V.V. C Kubendran

..... Petitioner

vs.

1. The Deputy Director,
Office of Deputy Registrar of Co-operative Societies,
No.20/3, Aasiriyar Nagar, Sandhapettai,
Tirukoilur – 605 766.

2. The Manager,
The Kallakurichi Agricultural Producers,
Co-operative Marketing Society Ltd.,
No.25, Nephal Street, Kallakurichi – 606 202.

3. G. Natarajan @ Raja,
No.35/42, Thiyagarajar Road, Villupuram – 605 602.

4. R. Kalaiselvi,
No.1, Hospital Road, Kallakurichi,
Kallakurichi Taluk, Villupuram District.

5. R. Ravichandran,
No.3, Krishna Nagar, Kachirapalayam Road,
Kallakurichi, Kallakurichi Taluk, Villupuram District.



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6. A. Kulandhaisami,
North Street, Michael Puram,
Michael Puram Post, Sangarapuram Taluk,
Villupuram District.

7. D. Velu,
Kallakurichi Co-operative Society,
Kallakurichi.

.... Respondents.

C.R.P. No.1174 of 2021

G. Natarajan @ Raja,

..... Petitioner

vs.

1. The Deputy Director,
Office of Deputy Registrar of Co-operative Societies,
No.20/3, Aasiriyar Nagar, Sandhapettai,
Tirukoilur – 605 766.

2. The Manager,
The Kallakurichi Agricultural Producers,
Co-operative Marketing Society Ltd.,
No.25, Nepal Street, Kallakurichi – 606 202.

3. Chakarapani @ Viji S/o. V.V. C Kubendran
Partner : Shree Chakra Ginning Mills

4. R. Kalaiselvi,
No.1, Hospital Road, Kallakurichi,
Kallakurichi Taluk, Villupuram District.

5. R. Ravichandran,
No.3, Krishna Nagar, Kachirapalayam Road,
Kallakurichi, Kallakurichi Taluk, Villupuram District.



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6. A. Kulandhaisami,
North Street, Michael Puram,
Michael Puram Post, Sangarapuram Taluk,
Villupuram District.

7. D. Velu,
Kallakurichi Co-operative Society,
Kallakurichi.

.... Respondents.

Prayer in C.R.P. No.1171 and 1174 of 2021: Civil Revision Petitions filed under Article 227 of Constitution of India, praying to set aside the judgment and decree dated 08.01.2021 in C.M.A. Nos.19 of 2016 and 18 of 2016 respectively on the file of learned Principal District Judge, Villupuram confirming the order passed by the Deputy Registrar, Office of Deputy Registrar of Co-operative Societies on Na.Ka No.2898 of 2021 Sa. Pa dated 06.01.2016.

For Petitioners : Mr. Sanjeev Kumar for
M/s. Ojas Law Firm

For Respondents : Mr. V. Jeevagiridharan
Additional Government Pleader
[for R1] [both C.R.P.s]

Mr. R. Parthiban [for R2]
for R. Ashrafkhan [both C.R.P.s]



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C.R.P. No.1171 of 2024 : R3, R4 and R5 – served –
No appearance
R6 – died vide Court order dated
22.11.2023.

R7 – Not ready in notice.

C.R.P. No.1174 of 2024 : R3 & R5 – Served –
No appearance
R4, R6 & R7 – Not ready in
notice.

COMMON ORDER

The Civil Revision Petitions are filed against the order passed by the Co-operative Special Tribunal / Principal District Judge, Villupuram in Co-operative C.M.A. Nos.19 of 2016 and 18 of 2016. The said Co-operative Civil Miscellaneous appeals were filed challenging the notice issued by the 1st respondent under Section 87(1) of Tamil Nadu Co-operative Societies Act, 1983 for initiation of surcharge proceedings.

2. Against the Show Cause Notice issued under Section 87(1) of Tamil Nadu Co-operative Societies Act for initiation of surcharge proceedings, no appeal will lie before the Co-operative Special Tribunal under Section 152 of



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the said Act. If the petitioner received Show Cause Notice, he is expected to appear before the enquiry officer and participate in the enquiry. The appeal filed by the petitioner challenging the Show Cause Notice under Section 87(1) of the Tamil Nadu Co-operative Societies Act for initiation of surcharge proceedings is not at all maintainable. Therefore, the Special Tribunal ought not to have entertained the Civil Miscellaneous Appeals and passed orders on merits. Therefore, the orders passed by the Special Appellate Tribunal in the appeals on merits of the matter are set aside.

3. Accordingly, the Civil Revision Petitions are disposed of with direction to the petitioner to appear before the 1st respondent in response to the surcharge notice issued on 06.01.2016 and participate in the surcharge proceedings and putforth his case. No costs. The connected miscellaneous petitions are closed.

26.03.2024

Index : Yes / No
Speaking order : Yes / No
Neutral Citation : Yes / No
mjs



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To

1. Principal District Judge, Villupuram.
2. The Deputy Director,
Office of Deputy Registrar of Co-operative Societies,
No.20/3, Aasiriyar Nagar, Sandhapettai,
Tirukoilur – 605 766.
3. The Manager,
The Kallakurichi Agricultural Producers,
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S.SOUNTHAR, J.

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