



W.P.No.11060 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.10.2024

CORAM

THE HON'BLE MR. JUSTICE G.K. ILANTHIRAIYAN

W.P.No.11060 of 2024 and W.M.P. No.12147 of 2024

K.Rajalakshmi

... Petitioner

Vs.

1.The Deputy Registrar of Co-operative Societies,
Office of the Deputy Registrar of
Co-operative Societies,
Combined Co-operative Campus,
District Collector Campus,
Thiruvarur District.

2.11346, Pillur Primary Agricultural
Co-operative Society, Nannilam Taluk,
Thiruvarur District rep. by its Special Officer.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Declaration declaring that the entire surchare proceedings dated 05.01.2022 in Na.Ka.1646/2021 sa.pa based on the enquiry report dated 17.02.2024 is illegal and unlawful on the legal point that no enquiry could be ordered and conducted against a dead person.

For Petitioner : Mr.T.S.Rajamohan

For Respondents : Mr.M.Muthusamy,
Government Advocate for R2
Mr.P.Ganesan,
Additional Government Pleader for R1



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ORDER

This writ petition has been filed by the petitioner challenging the surcharge proceedings dated 05.01.2022, whereby she was ordered to pay a sum of Rs.48,68,005/-.

2.The petitioner's husband was working as a Secretary under the 2nd respondent Society and he died on 29.06.2020. While he was alive, he has misappropriated the funds of the 2nd respondent Society and as such, an enquiry was ordered under Section 81 of the Tamil Nadu Co-operative Societies Act. After his demise, enquiry was conducted and found that the petitioner's husband committed various illegalities and also misappropriated the funds of the 2nd respondent Society. Based on the enquiry report, proceeding was initiated under Section 87 of the Tamil Nadu Co-operative Societies Act. The surcharge proceeding was initiated as against the petitioner and her son, being the legal representatives of the deceased.

3.On a perusal of the records, it is revealed that it was not based on the enquiry report under Section 81 of the Tamil Nadu Co-operative



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Societies Act. The first respondent initiated Surcharge proceedings only as against the legal representatives of the deceased person. The petitioner and her son are the parties to the surcharge proceedings. After giving opportunity of hearing to the petitioner and after performing the proceedings as contemplated under the Tamil Nadu Co-operative Societies Act, the first respondent passed a detailed order, fixing liability to the tune of Rs.48,68,005/- with interest at the rate of 17% as against the petitioner and her sons.

4.In view of the above, this Court does not find any infirmity in the order passed by the first respondent. Accordingly, this writ petition is dismissed. No costs. Consequently, connected W.M.P. is closed.

19.10.2024

Index : Yes/No
Speaking Order : Yes / No
Neutral Citation Case : Yes / No
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G.K. ILANTHIRAIYAN. J.,

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To

1. The Deputy Registrar of Co-operative Societies,
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