



CRP.Nos.3935 & 3466 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Order reserved on : 25.10.2024

Order pronounced on : 30.10.2024

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THE HON'BLE MR. JUSTICE P.B.BALAJI

CRP.Nos.3935 & 3466 of 2022
and C.M.P.Nos.20530 & 18481 of 2022

M.Murugan

..Petitioner in both CRP's

Vs.

The Registrar,
Co-operative Societies,
Tirukoilur.

..Respondents in both CRP's

Common Prayer: Civil Revision Petitions filed under Article 227 of Constitution of India, to set aside the fair and decreetal order in Co-operative C.M.A.Nos.5 and 6 of 2019 dated 15.02.2021 on the file of the Principal District Judge, Villupuram, confirming the orders of Deputy Registrar of Co-operative Societies, Tirukoilur in Na.Ka.Nos.5083/2017 Sa.Pa and Na.Ka.No.2917/2017 Se.Pa dated 10.12.2018 respectively.

(In both CRP's)

For Petitioner : Mr.N.Suresh

For Respondent : Mr.T.Ravikumar

Additional Government Pleader



COMMON ORDER

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These civil revision petitions have been filed as against the order passed in Co-operative C.M.A.Nos.5 and 6 of 2019 dated 15.02.2021 on the file of the Principal District Judge, Villupuram, confirming the orders of Deputy Registrar of Co-operative Societies, Tirukoilur in Na.Ka.No.5083/2017 Sa.Pa and Na.Ka.No.2917/2017 Se.Pa dated 10.12.2018.

2.The revision petitioner in both the petitions are the unsuccessful appellants in CMA.Nos.5 & 6 of 2019 respectively.

3.I have heard Mr.N.Suresh, learned counsel for the revision petitioner and Mr.T.Ravi Kumar, learned Additional Government Pleader in both the petitions.

4.Though the learned counsel for the revision petitioner would make his submissions elaborately, even on the merits of the charges framed against the revision petitioner, in view of the preliminary objection raised by learned counsel for the revision petitioner, with regard to non-service of the inquiry report, I heard the matter on this limited aspect, without going to the other



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5.The learned counsel for the revision petitioner would take me through the records and more specifically, the reply dated 26.07.2018, wherein the revision petitioner have abundantly made it clear, that the inquiry report under Section 81 has not been served, despite requests for the same being made by the revision petitioner. He would further rely on the impugned order, where the respondent himself has admitted to the receipt of the said communication dated 26.07.2018. The learned counsel for the respondent is not in a position to satisfy this Court that a copy of the inquiry report was indeed furnished to the revision petitioner as requested by them.

6.The learned counsel for the revision petitioner placed reliance on the decisions of this court, in *A.Janakiraman and Another Vs. Deputy Registrar of Co-operative Societies, Kumbakonam and Another* reported in *CDJ 2010 MHC 1877* and in *M.Sambandam Vs. The Deputy Registrar (Credit) Co-operative Societies, Mylapore* reported in *CDJ 1998 MHC 1346*, where this court has held that, when the copy of Section 81 inquiry report has not been furnished, before initiating the surcharge proceedings, then the recovery proceedings are



unsustainable.

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7.Applying the said ratio to the facts of the present cases, I have no hesitation in setting aside the impugned order. However, since it is only a procedural irregularity of non-furnishing the copy of the inquiry report, I hereby direct the respondents to furnish a copy of the inquiry report under Section 81 to the revision petitioner, within a period of four weeks from the date of receipt of the copy of the order and thereafter, hold an inquiry after giving an opportunity to the revision petitioner to submit his explanations/ objections to the inquiry report within a period of two weeks thereafter, and the respondent shall conduct an inquiry and complete the same and pass fresh orders, in accordance with law, within a period of three months. For the above reasons, the matter is remitted to the Deputy Registrar of Co-operative Society, Tirukoilur.

8.In fine, these Civil Revision Petitions are allowed and order passed in Co-operative C.M.A.Nos.5 and 6 of 2019 dated 15.02.2021 on the file of the Principal District Judge, Villupuram, confirming the orders of Deputy Registrar of Co-operative Societies, Tirukoilur in Na.Ka.No.5083/2017 Sa.Pa and Na.Ka.No.2917/2017 Se.Pa dated 10.12.2018 are set aside and matters stand



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remitted to the Deputy Registrar of Co-operative Society, Tirukoilur, for fresh consideration. There shall be no order as to costs. Connected Civil Miscellaneous Petitions are closed.

30.10.2024

Speaking/Non-speaking order

Index : Yes/No

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To

1.The Principal District Judge, Villupuram.

2.The Deputy Registrar, Co-operative Society, Tirukoilur.

P.B.BALAJI.J.

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