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W.P. No. 32763 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.02.2024

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 32763 of 2017

and

W.M.P. No. 36103 of 2017

S.Rajarajan

... Petitioner

-VS-

1. The Registrar of Cooperative Societies
170, Periyar EVR Salai
Kilpauk, Chennai – 600010.
 2. Additional Assistant Elementary Education Officer
Office of the Assistant Elementary Education Officer
Sirkali Union, Sirkali
Nagapattinam District – 609110.
 3. OS.52, Sirkali Union Teachers Co-op Society
Rep. by Secretary /President
Sirkali, Nagapattinam District – 609110.
- Respondents

...

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the First Respondent to take appropriate action against the Third Respondent by conducting proper audit from 2001 onwards for the malpractices, irregularities committed by the Third Respondent and to pay the dividend arrears to the Petitioner.



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For Petitioner : M/s. Parvin Banu.L

For Respondents : Mr. S.Ravikumar, SGP (RR1 & 2)

Mr. L.P.Shanmugasundaram (R3)

ORDER

Heard M/s. Parvin Banu.L, Learned Counsel for the Petitioner, Mr. S.Ravikumar, Learned Special Government Pleader appearing for the First and Second Respondents and Mr. L.P.Shanmugasundaram, Learned Counsel appearing for the Third Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. The Petitioner has sought for a direction to the First Respondent to take action against the Third Respondent by conducting enquiry from the year 2001 onwards for the malpractices and the irregularities committed by him and to pay the dividend arrears in this Writ Petition.

3. In response, Learned Special Government Pleader appearing for the First and Second Respondents has filed a memo on 22.02.2024, which reads as follows:-

“1. It is submitted that as per Na.Ka. 554/2017 Ni Va, dated



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20.03.2017 order of the District Registrar of the Co-operative Societies, Mayladuthurai, Section 81 enquiry order initiated. As per the final report of the Section 81 misappropriation amount is Rs. 29,25,000/-, and recommended to criminal proceeding initiated against the Secretary S.Srinivasan and Accountant K.Manokaran.

2. It is submitted that as per Section 81 enquiry report Complaint sent the Supernatant of Police, Chennai after that Economic Offence Wing, Nagapatinam registered the FIR (Crime No. 5/2018), and arrested the S.Srinivasan Secretary Retd.

3. It is submitted that the C.C.No.393/2019 and C.C.No. 394/2019 against the Secretary S.Srinivasan and Accountant K.Manokaran trial stage pending before the Judicial Magistrate Court-1, Sirkali.

4. It is submitted that as per the Section 81 report surcharge proceedings ordered the District Registrar against the Secretary S.Srinivasan, Accountant K.Manokaran and Office Assistant A.Kalaivanan to recovery the society loss amount Rs.



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30,35,397/-

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5. *It is submitted that as per surcharge final order Execution Petition No. 58/2020/2021 was filed against the Secretary S.Srinivasan and Accountant K.Manokaran to recovery the Rs. 23,57,450/-. The E.P. Pending before the Co-operative Sub-Registrar, Sirkali.*

6. *It is submitted that 2016-2017 auditing completed and dividend was given to the members, 2017-2018 to 2022-2023 accounts are ready to auditing but auditing not started.*

7. *It is submitted that 2016-2017 petitioner dividend fund Rs. 4800/- there but petitioner till date not receive the amount.”*

In view of the aforesaid action taken, nothing remains for further consideration in the Writ Petition.

In the result, the Writ Petition is disposed. Consequently, the connected Miscellaneous Petition is closed. No costs.

22.02.2024

Index: Yes/No
NCC: Yes/No



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Note: Issue order copy by 22.05.2024.

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To

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P.D. AUDIKESAVALU, J.

Maya

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