



WP No.23069 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.11.2024

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

W.P No.23069 of 2017
and
W.M.P.No.24182 of 2017

J.George

... Petitioner

-Vs-

- 1.The Deputy Registrar of Cooperative Societies
(Full Additional Charge),
Udhagamandalam Circle,
Udhagamandalam – 643 001.
- 2.Kothagiri Cooperative Primary Agricultural
and Rural Development Bank,
Rep. by its Managing Director,
Kothagiri,
Nilgiris District.
- 3.The Enquiry Officer / Cooperative Sub-Registrar (PDS)
Kothagiri,
Nilgiris District.

... Respondents



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PRAYER: Writ Petition under Article 226 of the Constitution of India praying for a Writ of Certiorari, calling for the records on the file of the 1st respondent in Na.Ka.No.3493/2014/Sa.Pa., dated 27.07.2017 and quash the same.

For Petitioner : Mr.K.V.Sajeev Kumar,
For R1 to R3 : Mr.A.Anandan,
Government Advocate.

ORDER

This writ petition has been filed in a nature of Certiorari, seeking records on the file of the 1st respondent, the Deputy Registrar of Cooperatives, Udhagamandalam in Na.Ka.No.3493/2014/Sa.Pa., dated 27.07.2017 and to quash the same.

2.This is the second writ petition which has been filed by the petitioner herein. He had earlier filed W.P.No.30216 of 2015 in a nature of Certiorari seeking records on the file of the 1st respondent therein, the



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Deputy Registrar of Cooperatives relating to the demand notice in surcharge proceedings dated 02.07.2015 and also the sale proceedings of the 1st respondent fixing the sale of the property in old door No.18/58, 8/59, Kairbetta Old Hatty (Kil Hatty) Kothagiri Post, Nilgiris and to quash the said notice. A learned Single Judge of this Court had observed that the petitioner who was an Ex-Secretary of Cooperative Bank had committed misappropriation and his liability was fixed at Rs.31,50,000/- and since he had not repaid the same, the property had been brought to sale. When the property was brought to sale, the petitioner participated in the bid and he was the only bidder and therefore, the amount was set off with the price for which the property was put out to auction.

3.The learned counsel for the petitioner stated that the petitioner admits that there has been a misappropriation of a sum of Rs.31,50,000/-. It is however contended that, the entire amount had been repaid by the petitioner and in this connection, the learned counsel relies on a certificate attested by the respondents that the petitioner had repaid a sum of Rs.31,54,928/-. Thereafter, the petitioner had given a representation on

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22.02.2016. This representation was given consequent to the orders of this Court in the earlier writ petition in W.P.No.30216 of 2015. An enquiry was conducted on such representation on 29.03.2016.

4.It is the specific case of the respondents and also noted in the impugned order that the petitioner had agreed and undertaken to repay the amount demanded in the impugned notice namely, a sum of Rs.6,51,377/- within a period of one month and an opportunity had also been granted to repay the amount due in six installments, but the petitioner himself had undertaken to repay the amount in one month. Since he had not repaid the amount, the impugned notice came to be issued on 27.07.2017 calling upon the petitioner to repay the said amount of Rs.6,51,377/-.

5.In the counter affidavit, it had been stated that the petitioner had tried to avoid arrest and the criminal proceedings also. He had also failed to comply with his own undertaking. It is contended that he had not preferred any appeal against the determination of amount which is liable to be paid. It is also contended that the writ petition has no merits.



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6.A careful perusal of the records reveal that the petitioner, while functioning as Secretary of the 2nd respondent had committed acts of misappropriation and had misappropriated a sum of Rs.31,50,000/-. He had admitted to the said misappropriation and had voluntarily come forward to return back the amount. However, there are still amounts due and payable by him and that was the amount which was determined in the enquiry conducted by the respondents consequent to the representation given by the petitioner. That representation was given consequent to the orders of this Court in the earlier writ petition in W.P.No.30216 of 2015. In the enquiry, the petitioner had admitted that he was due and payable the amount now demanded in the impugned order and he had undertaken to repay the same within a period of one month and till now had not repaid the said amount. Therefore, the impugned notice was issued directing him to repay the amount.

7.In view of the above facts and circumstances of the case, I find no merits in the writ petition. Accordingly, this Writ Petition stands dismissed.



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No costs. Consequently, connected Writ Miscellaneous Petition is closed.

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Index: Yes/No

Internet: Yes/No

Speaking / Non Speaking Order

To,

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