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Rev. Aplw. No.3 of 2024
in
W.P.No.5797 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.10.2024

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

Rev. Aplw. No.3 of 2024

in

W.P.No.5797 of 2015

V. Sundaravadivelu

... Petitioner

Vs.

1. The joint Registrar of Co-operative Societies,
Tiruvannamalai District,
Tiruvannamalai.

2. The Special Officer,
HH.557, Vandavasi Primary Agricultural
Co-operative Bank Ltd.,
Vandavasi - 604 408,
Tiruvannamalai District.

... Respondents

PRAYER: Review Petition filed under Order 47 Rule 1 r/w. Section 114 of Code of Civil Procedure and Madras High Court Writ Rules, 2021 to review the order dated 30.08.2023 made in W.P.No.5797 of 2015.

For Petitioner : Mr.A.E. Ravichandran

For Respondents : Mr. S. Ravikumar
Special Government Pleader

ORDER

Review Application has been filed as against the order passed by this Court dated 30.08.2023 in W.P.No.5797 of 2015 to review the same.

2. W.P.No.5797 of 2015 was filed, challenging the order passed by



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the second respondent dated 01.07.2004, whereby dismissed the petitioner from service and the order passed by the first respondent dated 20.10.2014, whereby confirmed the order passed by the second respondent. This Court by its order dated 30.08.2023 dismissed the said writ petition.

3. Learned counsel for the petitioner would submit that the review petition has been filed on two grounds. The first ground is that this Court erred in ruling that the surcharge proceeding is pending as against the petitioner and the second ground is that the petitioner was an attendant and on that ground the prosecution failed to prove the charges beyond any reason. The entire ARC proceedings initiated as against the petitioner has been quashed by this Court in W.P.No.23364 of 2010. In so far as the Criminal case is concerned, the petitioner was arrayed as 3rd accused. As against the petitioner, no one had spoken about and no document to show that the petitioner has signed and involved in misappropriation of Society funds.

4. On perusal of the Judgment passed by the Criminal Court, it is revealed that though it was recorded that no one has spoken against the petitioner and his signature was not found in any record, the petitioner was



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working as an Attendant and he also involved in misappropriation of Society funds. On perusal of the records, it is further revealed that even before initiation of surcharge proceedings, the petitioner's wife has deposited a sum of Rs.2,75,000/-.

5. Therefore, the Criminal Court found that the prosecution failed to bring the charges to prove as against the petitioner. Therefore, he was acquitted, which does not mean that the petitioner was honourably acquitted and the charge itself is baseless as against the petitioner. In so far as the next ground is concerned, on perusal of the order passed by this Court in W.P.No.23364 of 2010 dated 15.03.2018 filed by the petitioner's wife, it is revealed that challenging the auction notice in ARC No.890 of 2002 – 2003, by issuing notification to auction the property, stands in the name of the petitioner's wife. The auction notice was quashed by this Court. It does not mean that the entire ARC proceedings itself was quashed. Therefore, this Court finds no error on the face of the order passed by this Court.



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6. In view of the above, this review application is dismissed.

17.10.2024

Index : Yes/No
Speaking Order : Yes / No
Neutral Citation Case: Yes / No
ab

To

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