



W.P.No.38561 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.12.2024

CORAM

THE HON'BLE Mr. JUSTICE **C.V.KARTHIKEYAN**

W.P.No.38561 of 2024
and W.M.P.No.41775 of 2024

K.Manimaran

... Petitioner

Vs.

1. The Deputy Registrar
of Co-operative Societies,
Chidambaram,
Cuddalore District.

2. E.2588 Nandhimangalam Primary
Agricultural Co-operative Credit
Society Ltd.,
Rep. by its Administrator,
Nandimangalam,
Chidambaram Taluk,
Cuddalore District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records of surcharge order passed by the first respondent in Na.Ka.633/2024/sa.pa dated 18.09.2024 quash the same as far the petitioner is concerned.

For Petitioner : Ms.B.A.Nalini



WEB COPY



W.P.No.38561 of 2024

For Respondents

For R1 : Mr.S.Arumugam
Government Advocate

For R2 : Mr.M.R.Gokul Krishnan
Additional Government Pleader

ORDER

This writ petition has been filed in the nature of Certiorari seeking interference in the order passed by the first respondent viz., Deputy Registrar of Co-operative Societies, Chidambaram on 18.09.2024 and quash the same.

2. The petitioner was the Secretary of the second respondent society. It is stated that the second respondent society had a bank account in account No.233035461. When the bank account was audited, it was found that on 08.03.2023, there was a debit of Rs.2,50,000/- by cheque No.005267 and corresponding credit in the personal account of the petitioner. It is alleged that there was misappropriation and proceedings were initiated under Section 81 of the Tamil Nadu Co-operative Societies Act, 1983 (hereinafter referred to as “the Act”). Later proceedings under

Page 2 of 6



W.P.No.38561 of 2024

Section 87 of the Act has been initiated and an order has been passed.

WEB COPY

3. There is a provision for appeal under Section 152 of the Act. It is not the case of the petitioner that the appeal is not an efficacious remedy.

4. It is submitted that the principles of natural justice had been violated. But that is an issue to be examined in an appeal filed under the Act and on perusal of the records. The petitioner can take up the issue of violation of principles of natural justice as a ground in the appeal.

5. Further, the period from the date on which the writ petition was filed viz., 11.12.2024 till today viz., 17.12.2024 may be deducted, if at all the period of limitation is put against the petitioner. It is further contended that though the order impugned was passed on 18.09.2024, it was received by the petitioner only on 19.11.2024. That may also be taken as a ground, if the period of limitation is sought to be condoned by the petitioner.

6. The writ petition, however stands dismissed with liberty to the



W.P.No.38561 of 2024

petitioner to file a regular appeal under Section 152 of the Act.

WEB COPY

7. On memo being filed by the learned counsel appearing for the petitioner, the original impugned order may be returned back by the Registry to the learned counsel for the petitioner, on receiving appropriate acknowledgement and substituting the original order by an attested xerox copy. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

17.12.2024

Index:Yes/No

Neutral Citation : Yes/No

Speaking/Non Speaking order

rts



W.P.No.38561 of 2024

To
WEB COPY

1. The Deputy Registrar
of Co-operative Societies,
Chidambaram,
Cuddalore District.
2. The Administrator,
E.2588 Nandhimangalam Primary
Agricultural Co-operative Credit
Society Ltd.,
Nandimangalam,
Chidambaram Taluk,
Cuddalore District.



WEB COPY



W.P.No.38561 of 2024

C.V.KARTHIKEYAN, J.

rts

W.P.No.38561 of 2024
and W.M.P.No.41775 of 2024

17.12.2024