



W.A(MD)No.211 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.02.2024

CORAM:

**THE HONOURABLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE
and
THE HONOURABLE MR.JUSTICE G.ILANGO VAN**

**W.A(MD)No.211 of 2024
and
CMP(MD)No.1836 of 2024**

The President,
R.No.839, Srirangam Co-operative Building Society Limited,
No.82-A, Amma Mandapam Road,
Srirangam,
Trichy-6,
Trichy District.

... Appellant

-vs-

1. V. Sadagopan
2. The Registrar of Co-Operative Societies,
(Housing),
Tamil Nadu Housing Board Buildings,
2nd Floor Annex Building,
Anna Salai, Nandanam,
Chennai-600 035.
3. The Assistant Director of Co-operative Audit,
Multistoried Building,
Kajamalai Colony,
Trichy -20,
Trichy District.



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4. The Regional Deputy Registrar
(Housing),
A.A.I.Block,
Sengulam Colony,
Mannarpuram,
Trichy -20,
Trichy District.

... Respondents

PRAYER: Appeal filed under Clause 15 of Letters patent, against the order dated 14.11.2022 passed in WP(MD)No.16404 of 2015 on the file of this Court.

For Appellant	: Mr.R.Sundar
For R1	: Mr.G.S.Asok Adhithyan
For R2 to R4	: Mr.T.Amjadkhan, Government Advocate

J U D G M E N T

[Judgment of the Court was made by The Hon'ble CHIEF JUSTICE]

We have heard Mr.R.Sundar, learned counsel appearing for the appellant, Mr.G.S.Asok Adhithyan, learned counsel appearing for the 1st respondent and Mr.T.Amjadkhan, learned Government Advocate appearing for the respondents 2 to 4.

2. The 1st respondent/writ petitioner filed Writ Petition bearing W.P(MD)No.16404 of 2015 challenging the action of the 2nd respondent in



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withholding and or recovering an amount of Rs.5,53,000/-. The learned Single Judge allowed the writ petition. Aggrieved thereby, the present appeal is filed by the Co-operative Society.

3. Learned Advocate for the appellant submits that two borrowers defaulted in repaying the loan amount. The said loan amount was sanctioned at the behest of the writ petitioner. He had undertaken to pay the said amount. He was allowed to retire. In the light of that, as loss is caused by the writ petitioner to the appellant Society, the appellant is entitled to recover the amount from the writ petitioner.

4. The writ petitioner was allowed to retire upon attaining the age of superannuation. No departmental enquiry was conducted. No steps were taken even for imposing minor punishment upon the writ petitioner. Without departmental enquiry and without imposing any punishment upon the writ petitioner by adhering to due process of law, the amount could not be recovered from the writ petitioner. The learned Single Judge has not committed any error in passing the impugned order.



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WEB COPY 5. The Writ Appeal is as such dismissed. No costs. Consequently, connected miscellaneous petition is closed.

[S.V.G., C.J.]

[G.I., J.]

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Index : Yes / No
Neutral Citation : Yes / No
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