



C.R.P.(PD)(MD)Nos.97, 99 & 100 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 21.03.2024

CORAM

THE HON'BLE MR. JUSTICE MUMMINENI SUDHEER KUMAR

C.R.P.(PD)(MD)Nos.97, 99 & 100 of 2020

1.The Handloom and Textiles,
Through its Assistant Director,
Annexure Building, No.15, 2nd Floor,
Collectorate, Nagercoil,
Kanyakumari District.

2.The Handloom and Textiles,
Through its Director,
Kuralagam, 2nd Floor,
Chennai 600 108.

3.The Liquidator,
Aerathanvilai Weavers Co-Operative
Production Sales Societies Ltd.,
No.2930, Paloor Village,
Kanyakumari District.

... Petitioners in
all C.R.Ps.

Vs.

S.Arumugam

... Respondent in
C.R.P.(MD)No.97/2020

Sankaranarayanan

... Respondent in
C.R.P.(MD)No.99/2020



D.Selvaraj

WEB COPY



C.R.P.(PD)(MD)Nos.97, 99 & 100 of 2020

... Respondent in
C.R.P.(MD)No.100/2020

COMMON PRAYER: Petitions filed under Article 227 of the Constitution of India praying to call for the records in C.M.A.(CS)Nos.13, 14 and 17 of 2007 dated 04.12.2018, on the file of the Principal District Court, Nagercoil, Kanyakumari District and set aside the same.

For Petitioners : Mr.D.Sasikumar,
(In all C.R.Ps) Addl. Govt. Pleader

For Respondent : No Appearance
(In all C.R.Ps)

COMMON ORDER

This is the second round of litigation arising out of a proceedings initiated under Section 81 of “the Tamil Nadu Co-operative Societies Act, 1983” (hereinafter referred to as “the Act 1983” for the sake of convenience), against the respondents in these three Civil Revision Petitions. Respondents in these three Civil Revision Petitions are erstwhile Secretaries of the third petitioner Society which is now under liquidation. The proceedings under Section 81 of the Act 1983, were initiated against



the respondents herein and an amount of Rs.28,999.30/-, Rs.12,629/- and Rs.3,485.10/- respectively were sought to be recovered from the respondents herein by petitioner No.3 society. Aggrieved by the same, the respondents herein preferred appeals under Section 87 of the Act 1983, before the Principal District Judge, Kanyakumari, by filing C.M.A(CS)Nos. 13, 14 and 17 of 2007. The said Civil Miscellaneous Appeals were allowed by the learned District Judge, by recording a categorical finding that there is no evidence brought on record by the petitioner No.3 to establish that the respondents herein are responsible for such loss caused to the society nor to show that they have fabricated any records. Further, a categorical finding is also recorded to the effect that the surcharge order under Section 81 of the Act 1983 was passed against the respondents on mere assumptions and presumptions without there being any material in support of the same.

2. Though the learned Additional Government Pleader appearing for the petitioners tried to contend that the said findings of the learned District Judge are not correct, no material is placed before this Court to show that the respondents herein are responsible for either fabrication of records or the loss caused to the petitioner No.3 society. In the absence of any material



C.R.P.(PD)(MD)Nos.97, 99 & 100 of 2020

placed before this Court nor before the learned District Judge, this Court does not find any perversity or illegality in the order passed by the learned District Court. Further, taking into consideration that the amounts that are claimed against the respondents herein are also trivial in nature, and this is a second round of litigation, this Court is not inclined to interfere with the order under revisions.

3. In the circumstances, this Court is of the view that it is not a fit case to exercise the jurisdiction of this Court under Article 227 of Constitution of India.

4. Accordingly, these Civil Revision Petitions are dismissed. There shall be no order as to costs.

21.03.2024

NCC : Yes/No

Index : Yes/No

vsm



C.R.P.(PD)(MD)Nos.97, 99 & 100 of 2020

WEB COPY

To

- 1.The Principal District Court, Nagercoil,
Kanyakumari District.
- 2.The Record Keeper,
V.R.Section,
Madurai Bench of Madras High Court, Madurai.



WEB COPY



C.R.P.(PD)(MD)Nos.97, 99 & 100 of 2020

MUMMINENI SUDHEER KUMAR, J.

vsm

C.R.P.(PD)(MD)Nos.97, 99 & 100 of 2020

21.03.2024