



C.R.P.(MD).Nos.2243, 2244 & 2247 to 2250 of 2019

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON: 23.07.2024

DELIVERED ON: 04.09.2024

CORAM

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

**C.R.P.(MD).Nos.2243, 2244, 2247, 2248, 2249 & 2250 of 2019
and CMP(MD).Nos.11611, 11612, 11617,
11619, 11620 & 11621 of 2019**

CRP(MD).No.2243 of 2019

Manthirammoorthy

....Petitioner/Appellant
/1st Respondent

Vs

1.The Deputy Registrar of Co-operative Societies
Office of the Deputy Registrar of Co-operative Societies
Co-operative Societies Sale Complex
136, Polpettai
Thoothukudi District

....Respondent/1st Respondent
/Petitioner

2.A.Sekar

3.Sornam

...Respondents/Respondents 2 & 3
/Respondents 2 & 3

PRAYER im CRP(MD).No.2243 of 2019: The Civil Revision Petition
has been filed under Article 227 of Constitution of India, to set aside the
fair and decretal order passed in C.M.A(CS).No.5 of 2013 on the file of

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the Principal District Judge, Thoothukudi dated 03.04.2019 confirming the order passed in Tha.Va.No.2 of 2012 Sa.Pa(2) dated 10.06.2012 (Na.Ka. 4467/2011 Sa.Pa) on the file of the Deputy Registrar of Co-operative Societies, Thoothukudi by allowing this Civil Revision Petition.

In CRP(MD).No.2243 of 2019

For Petitioner : Mr.T.Selvan
For Respondents : Mr.D.Gandhiraj
Special Government Pleader for R1
: No appearance for R2 & R3

COMMON ORDER

All these revision petitions have been filed by the Secretary of a Co-operative Society challenging an order passed by the Principal District Judge / Co-operative Tribunal, Tuticorin in CMA(CS).Nos.5, 8, 6, 7, 10 and 4 of 2013.

(A)Facts leading to the filing of these revision petitions are as follows:

2.The revision petitioner was working as an Secretary of Sekkarakudi Primary Agricultural Co-operative Credit Society in the year 2010. Due to heavy floods, crops were damaged in the said locality and the Government announced flood relief to the farmers. It is alleged that there



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were irregularities in the disbursement of relief fund to the farmers/members of the society and proceedings under Section 81 of the Tamil Nadu Co-operative Societies Act were initiated and a report was submitted on 15.09.2011. Based upon the said report, proceedings under Section 87 of the Tamil Nadu Co-operative Societies Act were initiated on 16.12.2011 and an order came to be passed on 10.06.2012 in all the proceedings, finding the petitioner guilty of involving in irregularities in disbursement of the crop damage relief fund. Challenging the same, the petitioner had filed an appeal before the Co-operative Tribunal, Tuticorin and the same having been dismissed, the present revision petitions have been filed.

3. According to the learned counsel appearing for the revision petitioner, the Co-operative Society is only a disbursing authority. Only the revenue officials have to directly inspect the concerned land, assess the damage and quantify the damage caused to the crops. After their certification, the Collector releases the funds. The funds are credited to the account of the Co-operative Society and thereafter, they are distributed to the concerned farmers and beneficiaries. The quantum of damage to the



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crops are also assessed only by the revenue officials. Therefore, the allegation, that the crop damage relief has been granted to ineligible persons, as against the Secretary of the Society is not legally sustainable. He had further contended that the Deputy Registrar of the Co-operative Society as well as the Co-operative Tribunal have not properly appreciated the scheme and have proceeded to mulct the liability upon the writ petitioner.

4.The learned counsel appearing for the writ petitioner had further contended that only 50% of the relief was disbursed to the beneficiaries. The balance amount was not at all disbursed. Therefore, mulcting the entire liability upon the Secretary of the Society is illegal. He had further contended that as far as one of the beneficiaries namely Shanmugavel, he was initiated a complaint before the Consumer Forum for disbursement of balance 50% of the crop relief. The said Consumer complaint was allowed and the appeal preferred by the Deputy Registrar was also dismissed. Therefore, in such circumstances, the Secretary of the Society is only an disbursing agency, cannot be found fault with for disbursing the crop relief fund to the alleged ineligible farmers. Hence, he



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prayed for allowing the revision petitions.

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5.Per contra, the learned Special Government Pleader appearing for the first respondent had contended that the petitioner herein has connived with the farmers in procuring fake documents with regard to the damage caused to the crops and proceeded to disburse the amount to the persons who are ineligible to receive the relief. Therefore, the Society has incurred huge loss. He had further contended that the petitioner was given ample opportunities in the enquiry conducted and ultimately, it was found that he was involved in causing loss to the Society. The enquiry report under Section 81 of the Co-operative Societies Act got confirmed in 87 proceedings and individual liability have been mulcted upon various persons including the revision petitioner. The petitioner being the Secretary of the Society has to verify the records submitted by the farmers before disbursing the relief fund. However, in collusion with them, he had prepared some forged documents and based upon those documents, the relief fund has been released by the Society.

6.The learned Special Government Pleader had further contended that in the said surcharge proceedings as well as before the Co-operative Tribunal, the entire evidence has been assessed and the liability



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upon the revision petitioner has been confirmed. The petitioner cannot shift the liability upon the revenue officials in order to escape from the surcharge proceedings. Hence, he prayed for sustaining the order passed by the Co-operative Tribunal.

7.I have considered the submissions made on either side and perused the material records.

8.The State of Tamil Nadu suffered a series of floods between October to December in the year 2010, in which extensive damage was caused to the agricultural crops, lands and pump-sets in 22 districts. The Disaster Management and Mitigation Wing of Revenue Administrative Department issued a circular on 22.10.2010 sanctioning a special package of relief assistance to the affected farmers. The said circular gives elaborate instructions relating to the disbursement of the relief assistance to the affected farmers. The following instructions are relevant for the purposes of deciding these revision petitions.

(a) The Village Administrative Officers should prepare the formats in 1A, 1B, 1C and 1D in triplicate. The said list should contain the name of Primary Agricultural Co-operative Bank in whose jurisdiction the Village lies and workout the relief fund to be given to the ryot on the scale indicated in Paragraph



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No.1 of the circular.

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(b)The list so prepared should be verified and checked 100% by the Revenue Inspector and Assistant Agricultural/Horticultural Officer and it should be submitted to the Taluk Office.

(c)In the Taluk Office it should be counter-checked by the Zonal Deputy Tahsildar, Tahsildar and Assistant Director (Agriculture/Horticulture) and they should countersign in each page.

(d)After countersignature, one copy should be returned to VAO, one copy will be sent to Primary Agricultural Co-operative Banks (PACBs) and third copy retained at the Taluk Office. The Revenue Divisional Officer should test check at least five entries in each village and he should recommend to the Collector with regard to the requirement of funds for each village in Format No.3.

(e)The Collector after satisfying himself with the help of Joint Director of Agriculture/Deputy Director of Horticulture that the statements are in complete shape, will issue proceedings sanctioning the amount for each village.

(f) A copy should be sent by the District Collector to the Special Officer of the District Central Co-operative Bank, with an advice to send the required funds to PACBs concerned for disbursement. The Central Co-operative Bank has to transfer the funds to the concerned PACB.



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(g) PACB should directly credit to the individual's account maintained in the Bank based on the list furnished by the Taluk Office and the proceedings issued by the Collector. The relief amount should be disbursed only to the affected farmers who have been identified and enumerated by Village Administrative Officers.

9.In the present case, as could be seen from the records, the concerned PACB has received the list counter-signed by all the authorities up to the level of Tahsildar and counter-signed by the Assistant Agricultural Officer. Based upon the said list, the amount have been credited to the individual account of the concerned farmer. There is no allegation as against the revision petitioner that the Society has credited the amount to any farmer whose name was not found in the list furnished by the Taluk Office. It could also be noted that there is no allegation of payment of excess amount made to any one of the individual farmers.

10.A perusal of the allegation in the surcharge proceedings reveals that the amount has been disbursed to six beneficiaries based upon some forged documents, as if the damage has happened to the crops when



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there was no cultivation at all. Therefore, it is clear that the allegation or any irregularity, if any, is attributable only to the revenue officials who had prepared the list of beneficiaries, because there is no allegation as against the Secretary of the Society that he has disbursed the relief fund to any one whose name was not found in the beneficiary list furnished by the revenue officials.

11.Only the relief fund is credited to the account of the Primary Agricultural Co-operative Society. It is not the contention of the Department that, along with the relief funds, relevant records were also sent to the Society. In such an event, the Secretary of the Society cannot be found fault, for not verifying the records.

12.In such circumstances, the enquiry conducted under Section 81 of the Tamil Nadu Co-operative Societies Act reveals that based on forged pattas, crop damage relief fund has been released. It is further alleged that the Secretary without verifying the documents had sanctioned the crop loss relief fund to ineligible persons. As narrated above, as per the circular of the Revenue Administrative Department dated 22.12.2010, only the Village Administrative Officer and other Revenue Officials are directed



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to verify the documents and only after the Collector has issued a direction to the Central Co-operative bank, the amounts were released to Co-operative Societies concerned. Therefore, the allegation as against the Secretary of the Society that he had not verified the alleged forged documents is not legally sustainable.

13.The Deputy Registrar as well as the Co-operative Tribunal without properly appreciating the fact on whom burden to verify the documents lie, have proceeded to erroneously mulct the liability upon the Secretary of the Co-operative Society.

14.In view of the above said facts, the order passed by the Co-operative Tribunal confirming the surcharge orders passed by the first respondent in the revision petitions are set aside and all the Civil Revision Petitions stand allowed. No costs. Consequently, connected miscellaneous petitions are closed.

04.09.2024

Index : Yes/No
Internet : Yes/No
NCC : Yes/No
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To

- 1.The Principal District Judge, Thoothukudi
- 2.The Deputy Registrar of Co-operative Societies
Office of the Deputy Registrar of Co-operative Societies
Co-operative Societies Sale Complex
136, Polpettai
Thoothukudi District
- 3.The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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R.VIJAYAKUMAR, J

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Pre-delivery common order made in

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