



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

C.R.P.(MD).Nos.1294 of 2016, 428, 429, 606, 1033 and 1034 of 2023

and

C.M.P(MD)Nos.6212 of 2016, 2249 3013, 3015, 5738 and 5736 of 2024

For C.R.P(MD)No.1294 of 2016

Veeramani

...Petitioner

Vs.

1.The Deputy Registrar
Co-operative Societies,
Cheranmahadevi,
Tirunelveli District

2.The President,
E.E.428, Donavoor Primary
Agriculture Co-operative Society,
Donavoor,
Nanguneri Taluk,
Tirunelveli District.

3.Subakannan Mohan

4.A.K.Veerapathiran

5.Sankarannarayanan

6.Murugan

7.Diraviyakumar

...Respondents



Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the fair and decretal order of the learned Principal District Judge, Tirunelveli, dated 08.03.2016 in C.M.A(CS)No.18 of 2015 so far as it remitted back the matter in respect of the petitioner concerned to the first respondent for the purpose of fresh enquiry.

For Petitioner : Mr.S.Kumar
For Respondents : Mr.A.Baskaran
1 & 2 Additional Government Pleader
For Respondents : Mr.K.R.Laxman
6 & 7
For Respondents : No Appearance
3 to 5

COMMON ORDER

As against the order passed by the Tribunal in the Appeals preferred by the respondents, these petitions were filed.

2.The Society has initiated a surcharge proceedings as against the delinquents under Section 87 of Tamilnadu Co-operative Societies Act. The tribunal has found that fifty three documents were marked as exhibits. However, the evidence does not disclose the manner, in which, these documents have been marked. The tribunal has also felt that sufficient opportunity was not provided to the delinquent officers for cross examining the witnesses through



whom the documents have been marked and therefore, on the limited aspect, the Tribunal has set aside the order passed under Section 87 of the said Act and remanded all the matters for fresh consideration with the time limit that the enquiry has to be conducted and concluded within a period of three months, to mark the documents in a proper manner and also to provide an opportunity to cross examine the witnesses by the delinquent officers.

3.Today, when the cases are taken up for final hearing though the learned counsel for the petitioners and the respondents have advanced their arguments in detail, this Court is not in a position to decide the matter since the awards have not been passed on merits and it is only passed on the technical grounds and to remand back for fresh consideration. The Tribunal, while passing this order has imposed a condition to the Deputy Registrar, Co-operative Societies, Cheranmahadevi to conclude the proceedings within a period of three months. In pendency of this Civil Revision petition itself, eight years have gone.

4.Since the awards have not been on merits, this Court is not in a position to decide the merits of the matters in the Civil Revision Petitions. Therefore the civil revision petitions are disposed of with a direction to the



Deputy Registrar, Cooperative Societies, Cheranmahadevi, Tirunelveli, to conduct the enquiry as directed by the Tribunal in the awards in a time bound manner and also by providing an opportunity for cross examination to all the delinquent officers. In any event, the Deputy Registrar has to conclude the enquiry within a period of three months, from the date of receipt of a copy of this order. In the event if any further orders is passed by the Deputy Registrar, Cooperative Societies, Cheranmahadevi, Tirunelveli, it is always open to the parties to work out their remedy in the manner known to law. No costs. Consequently, the connected miscellaneous petitions are closed.

5.Status quo as on today shall be maintained with regard to the properties attached to these cases.

13.08.2024

NCC : Yes/No

Index : Yes / No

Internet: yes / No

LR

To

1. The Principal District Judge, Tirunelveli

2. The Deputy Registrar, Cooperative Societies,
Cheranmahadevi, Tirunelveli,



3. The Section Officer, V.R.Section,
Madurai Bench of Madras High Court, Madurai.

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B.PUGALENDHI, J.

LR

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