



C.R.P(MD)No.2077 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.04.2024

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P(MD)No.2077 of 2019

and

C.M.P(MD)No.10801 of 2019

C.Gunasekaran

... Petitioner/Appellant
3rd Defendant

Vs.

1.The Deputy Registrar of Co-operative Societies,
Aranthangi Circle,
Aranthangi,
Pudukkottai District.

... Respondent/1st Respondent

2.The President,
Vellalaviduthi Primary Agriculture Co-operative
Credit Society,
Vellalaviduthy,
Karambakudy Taluk,
Pudukkottai District.

... Respondents/Respondents

PRAYER : Civil Revision Petition is filed under Article 227 of Constitution of India, to call for the records pertaining to the award made in Na.Ka.1595/2014/A3, dated 27.04.2015 passed by the first respondent as well as the judgment and decree made in C.M.A(CS)No.6 of 2015 on



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the file of the Hon'ble Principal District Court, Pudukkottai, dated 21.12.2018 and set aside the same and thereby allow the revision petition.

For Petitioner : Mr.P.R.Prithiviraj

For Respondents : Mr.C.Satheesh
Government Advocate

ORDER

The revision petitioner herein has suffered an order under Section 87 of the Tamil Nadu Co-operative Societies Act by an order, dated 27.04.2015. Challenging the same, the revision petitioner has filed C.M.A(CS)No.6 of 2015 before the Principal District Court, Pudukkottai. Pending appeal, the respondent authorities brought to the notice of the Court that another appellant by name, Sethuraman and other members have deposited the surcharge amount. Based upon the said representation, the Co-operative Tribunal has set aside the order and remitted the matter back to the original authority. Challenging the same, the present revision petition has been filed.



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2. According to the learned Counsel appearing for the revision petitioner, the revision petitioner, namely, Gunasekaran at no point of time, had accepted his liability and he had never paid or deposited any amount before the authorities concerned. The members of Society and the other appellant in C.M.A(CS)No.9 of 2015, namely, Sethuraman alone had deposited some amount. The Court by way of misunderstanding that the appellant has also deposited the amount, had set aside the order and remitted the matter back to the original authority. Hence, the present appeal.

3. It is the specific stand of the appellant herein that he has never accepted the liability and not deposited any amount before the authorities arising out of surcharge proceedings under Section 87 of the Co-operative Societies Act. The Tribunal has taken into consideration, the amount deposited by the other appellant, namely, Sethuraman in another appeal in C.M.A(CS)No.9 of 2015 and has arrived at a finding that the appellant in C.M.A(CS)No.6 of 2015, namely, Gunasekaran has also deposited the amount. The Co-operative Tribunal has not decided



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the appeal filed by Gunasekaran on merits and in accordance with law.

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4. In view of the above said facts, the order of remand passed by the Principal District Court, Pudukkottai / Co-operative Tribunal is hereby set aside. The matter is remitted back to the file of the Co-operative Tribunal for disposal of the appeal on merits and in accordance with law, after giving due opportunity to the said Gunasekaran. The said exercise shall be completed within a period of four (4) months from the date of receipt of a copy of this order.

5. With the above said observation, this Civil Revision Petition stands allowed. There shall be no order as to costs. Consequently, connected Miscellaneous Petition stands closed.

16.04.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
BTR



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To

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- 1.The Principal District Court,
Pudukkottai.
- 2.The Section Officer,
Vernacular Record Section,
Madurai Bench of Madras High Court,
Madurai.



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R.VIJAYAKUMAR, J.

BTR

Order made in
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