



W.P(MD)No.7857 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.11.2024

CORAM

THE HON'BLE MR.JUSTICE K.KUMARESH BABU

W.P.(MD)No.7857 of 2016

and

W.M.P(MD)No.6471 of 2016

S.Dhana Raj

... Petitioner

Vs

1.The Deputy Registrar,
(Milk Development),
Ms.318, Palayam Milk Production,
Co-operative Society,
No.4/63, Nehruji Nagar,
Dindigul.

2.The President/Secretary,
Ms.318, Palayam Milk Production,
Co-operative Society,
Palayam Post, Vendasandur Taluk,
Dindigul District.

...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, calling for the records relating to the notice issued by the 2nd respondent and quash the same and consequently direct the respondents not to harass the petitioner anyway.

For Petitioner : M/s.S.Gomathi Sankar

For Respondents : Mr.J.K.Jayaseelan
Government Advocate for R1
Mr.D.Murugantham for R2



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ORDER

This petitioner has challenged a memo issued by the second respondent calling upon the petitioner to make payment of Rs.1,79,057/- on the premise the petitioner failed to collect the said amount from the Trust of the Society during the tenure as the Secretary of the Society.

2.A reference has been made to surcharge proceedings in proceedings No.2 of 2009/E2, dated 02.02.2010 in making the demand under the impugned notice. The reading of the said surcharge proceedings supra would indicate that the Joint Registrar had specifically held that the proceedings has initiated as against the petitioner for a sum of which Rs.76,696.87/- had been recovered and for such recovery, the receipts have been produced before the authorities and for the balance amount of Rs.10,768.87/-, the petitioner has also produced bills evidencing such payment for availing the services for the Society. Recording the said facts, the petitioner was discharged from surcharge proceedings as there is no loss to the Society.



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4.In such view of the matter, a memo referring to such surcharge proceedings calling upon the petitioner to make the payment, in my considered view is without jurisdiction and hence the order impugned in the writ petition is hereby set aside.

5.This writ petition stands allowed. No costs. Consequently, connected miscellaneous petition is also closed.

13.11.2024

NCC : Yes/No
Index : Yes/No
Internet: Yes/No
RJR

To

The Deputy Registrar,
(Milk Development),
Ms.318, Palayam Milk Production,
Co-operative Society,
No.4/63, Nehruji Nagar,
Dindigul.



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K.KUMARESH BABU, J.

RJR

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