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W.P.No.5219 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:18.08.2025

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THE HONOURABLE MRS JUSTICE N. MALA

Writ Petition No.5219 of 2025

and

W.M.P.Nos.5802 & 5806 of 2025

1.G.Jeyamani
2.G.Arun Prasath

... Petitioners

Vs.

1.The Deputy Registrar of
Cooperative Societies,
Pollachi,
Coimbatore District.

2.A.Ramanathapuram Primary
Agricultural Cooperative Credit
Society K-1397 rep. by its
Special Officer,
Anaimalai – 642 104,
Coimbatore District.

... Respondents

Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Certiorarified Mandamus calling for the records relating to the impugned notices in Form 8 and Form 9 made in EP No.1/2022-2023, dated 30.01.2025 passed by the first respondent, quash the same and consequently direct the respondents to defer their action till the disposal of the statutory appeal in CMA.No.15 of 2022 pending on the file of



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the Ld. Cooperative Special Tribunal/District Court, Coimbatore filed under Section 152(2) of the TN Cooperative Societies Act, 1983.

For Petitioner : Mr.N.Manokaran

For Respondents 1 & 2 : Mr.B.Tamil Nidhi, AGP

ORDER

The relief sought by the petitioner in this writ petition is to call for for the records relating to the impugned notices in Form 8 and Form 9 made in EP No.1/2022-2023, dated 30.01.2025 passed by the first respondent, quash the same and consequently direct the respondents to defer their action till the disposal of the statutory appeal in CMA.No.15 of 2022 pending on the file of the Ld. Cooperative Special Tribunal/District Court, Coimbatore filed under Section 152(2) of the TN Cooperative Societies Act, 1983.

2. The case of the petitioners is that Mr.C.M.Gopaldurai (husband & father of the petitioners 1 & 2 respectively) was the President of the second respondent society for the period of 2014-2017. This being so, the first respondent ordered to conduct an enquiry in respect of certain deficiencies pointed out in the Audit Report of the year 2016-2017 vide proceedings in

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Na.Ka.2926/2018/Ve.Se.Sa, dated 06.05.2019. The first respondent issued a show cause notice in Na.Ka.1365/2019/Sa.Pa., dated 17.11.2020 to the second petitioners' father and the employees of the society alleging loss of Rs.18,06,114/-. In this regard, the second petitioners' father submitted a detailed explanation dated 01.12.2020. On the same day, the first respondent issued an order of attachment of the properties in CAM No. 2695/2020. Therefore, the second petitioners' father filed W.P.No.19924 of 2020 and this Court granted an order of status quo dated 23.12.2020.

2.1. Thereafter, the first respondent issued an enquiry notice dated 06.05.2021. However, on 18.05.2021 the second petitioner's father died due to Covid-19, pursuant to which, the first petitioner submitted a representation dated 05.07.2021 before the first respondent by reporting the death of her husband i.e., the second petitioner's father. On receipt of the same, the first respondent has proceeded to pass an anti-dated surcharge order in Na.Ka.1365/2019/Sa.Pa. (SO 02/2020/Sa.pa) dated 03.09.2021 (served on 23.09.2021) by fixing the surcharge liability of Rs.16,46,009/- against the second petitioner's father and 3 others. Thereafter, the petitioners have also sent a representation dated 18.09.2021 to the first respondent with a request to



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furnish certain vital documents relied upon in the surcharge proceedings.

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2.2. Thereafter, the petitioners have filed CMA.No.15 of 2022 on the file of the Principal District Court, Coimbatore against the Surcharge Order dated 03.09.2021 made in Na.Ka.No.1365/2019/5a.Pa.(SO 02/2020) passed by the first respondent and the same is pending. After the death of the second petitioner's father, W.P. No. 19924 of 2020 was closed with liberty to the legal heirs to file a petition for restoration, by order dated 25.08.2023. Thereafter, the first respondent has issued Form 6 notice in SO EP 01/2022-23 dated 29.08.2024 to late C.M.Gopaldurai and the petitioners have also sent a Legal notice dated 09.09.2024 to the first respondent informing the pendency of CMA.No.15 of 2022 and also the petitioners have filed I.A.No.4 of 2014 in CMA.No.15 of 2022 to stay the said Form 6 notice dated 29.08.2024, which is also pending. It is in this background, the first respondent has issued Form 7 notice dated 08.01.2025 by demanding Rs.14,76,347/- from the second petitioner's father late C.M. Gopaldurai and further issued an auction sale notice dated 30.01.2025 in Form Nos. 8 and 9 in EP No. 1/2022-23 under Rule 126 of the TN CS Rules, 1988. Challenging the same, the petitioners have come forward with the present writ petition.



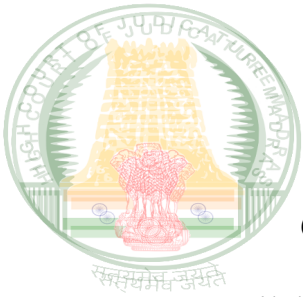
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3. Learned counsel for the petitioners submitted that the second petitioner's father Mr.C.M.Gopaldurai died on 18.05.2021 and the same was reported to the first respondent on 21.07.2021, which is also reflected in the surcharge order dated 03.09.2021. However, the impugned order has been issued in the name of a 'dead person' on 30.01.2025. He further submitted that the petitioners have filed statutory appeal in CMA.No.15 of 2022 on the file of the Principal District Court/Cooperative Special Tribunal, Coimbatore under Section 152(2) of the Tamil Nadu Co-operative Societies Act, which is pending for the past two years.

4. Learned counsel for the petitioner would further submit that the petitioners have also filed a stay petitions in I.A.No.1 of 2022 to stay the surcharge order dated 03.09.2021 and I.A.No.4 of 2024 to stay Form 6 notice dated 29.08.2024, which is also pending before the Principal District Court/Cooperative Special Tribunal, Coimbatore.

5. Learned Additional Government Pleader appearing for the respondents would submit that this Court may direct the first respondent to dispose of the statutory appeal, within a time frame to be fixed by this Court.



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6. Heard the learned counsel on either side and perused the materials available on record.

7. In view of the above factual matrix of the case, this Court without going into the merits of the case issues the following directions:

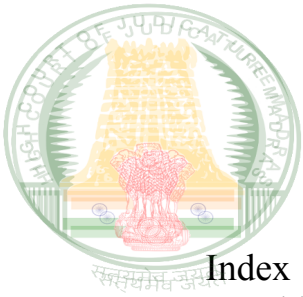
(i) Form 8 and Form 9 issued to the dead person on 30.01.2023 is set aside.

(ii) The Principal District Court/Cooperative Special Tribunal, Coimbatore is directed to dispose of the statutory appeal filed by the petitioners in case No.15 of 2022, within a period of three months from the date of receipt of a copy of this order.

(iii) it is made clear that since the form 8 and 9 notice has been set aside by this Court, no coercive action has been taken by the first respondent against the legal heirs of the dead person i.e., C.M.Gopaldurai, till the disposal of the statutory appeal.

8. This writ petition is disposed of with the aforesaid observation and directions. No costs. Consequently, connected miscellaneous petitions are closed.

18.08.2025



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Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No
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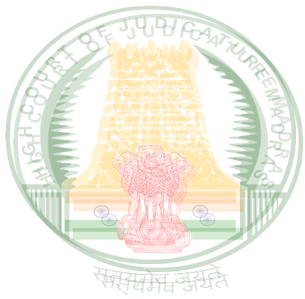
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Copy to:

The Principal District Court/Cooperative Special Tribunal,
Coimbatore.

N.MALA, J.

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