



WEB COPY

WA No. 1639 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13-03-2025

CORAM

**THE HONOURABLE MR JUSTICE S. M. SUBRAMANIAM
AND
THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

**WA No. 1639 of 2024
AND
CMP No. 11550 of 2024**

B.Parasuraman,
S/o. Balarai, No.664, Amman Kovil St,
Thanakowundan Pudhur, Eraiyur,
Thiruvannamalai - 606 704.

Appellant(s)

Vs

1. The Joint Register of Co-operative Societies,
Thiruvannamalai.

2.The District Register of Co-operative Society,
Thiruvannamalai.

3.The Management of
H.H.535 Melmudiyanur Primary Agricultural
Cooperative Credit Society,
Melmudiyanur, Thiruvannamalai.

Respondent(s)



PRAYER

Writ Appeal filed under Clause 15 of Letters Patent Act, to allow the writ appeal and consequently set aside the order made in WP No.31003 of 2023 dated 11.01.2024.

For Appellant(s): Mr.L.P.Shanmugasundaram

For Respondent(s): Mr.S.Ravikumar
Special Government Pleader
for R1 to R3

JUDGMENT

(Judgment of the Court was made by S.M.Subramaniam J.)

Under assail is the order dated 11.01.2024 passed in W.P.No.31003 of 2023.

2. The writ petitioner is the appellant before this Court.
3. The writ petition was instituted challenging the notice issued under Section 87 (1) of the Tamil Nadu Co-operative Societies Act, 1983 (hereinafter referred to as "the Act")
4. Based on the statutory enquiry under Section 81 or inspection under Section 82 of the Act, the competent Authority under the Act is



empowered to initiate three-fold actions. Disciplinary actions against the employees can be initiated. Surcharge proceedings can be initiated to recover the financial loss caused to the society. Thirdly, criminal case can also be registered through Commercial Crime Investigation Wing of the Police Department.

5. In the present case, surcharge proceedings has been initiated by issuing notice under Section 87 (1) of the Act. The said notice is under challenge. Thus, the writ petition is not entertainable. The appellant has to submit his explanations along with the documents, if any, in response to the surcharge notice issued under Section 87 (1) of the Act. Thereafter, the Deputy Registrar of Cooperative Societies has to conduct an enquiry by affording opportunity to all the parties and a final order is to be passed under Section 87 of the Act.

6. The learned Special Government Pleader appearing on behalf of the respondents 1 to 3 would submit that in the present case final order has



already been passed under Section 87 of the Act on 02.08.2024. Therefore, an aggrieved person may prefer an appeal before the Co-operative Tribunal under Section 152 of the Act. This being the scheme of the Act, the writ appeal is not entertainable and the appellant is at liberty to workout his remedy under the provisions of the Act.

Accordingly, the Writ Appeal stands **dismissed**. No costs. Consequently, connected miscellaneous petition is closed.

(S.M.SUBRAMANIAM J.) (K.RAJASEKAR J.)
13-03-2025

veda

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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