



WEB COPY

WP.No.14898 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14-07-2025

CORAM

THE HONOURABLE MRS JUSTICE N.MALA

WP.No.14898 of 2025

G.Ganesan,
S/o.Govinda Udaiyar, Kamaraj Nagar,
Alamelupuram Post, Pappireddipatti Taluk,
Dharmapuri District, Pincode-636 905.

Petitioner(s)

Vs

1.The Joint Registrar of Co-operative Societies,
Dharmapuri, Dharmapuri District.

2.The Deputy Registrar of Co-operative Societies,
Dharmapuri, Dharmapuri District.

3.The Management of 123, Adikarapatti
Primary Agricultural Co-operative Credit Society,
Rep by its President, Adikarapatti,
Pappireddipatti Taluk, Dharmapuri District.

Respondent(s)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a direction in the nature of Writ of Mandamus, directing the 1st respondent to consider the representation dated 29.11.2024 made by the petitioner herein and pass appropriate orders within stipulated time period as may be fixed by this Hon'ble Court and pass such further orders.



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For Petitioner: Mr.T.Sundaravadanam

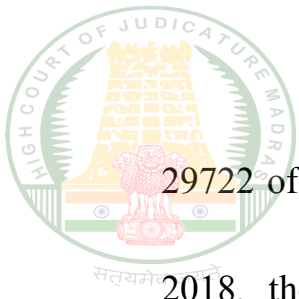
For Respondents: Mr.K.Tamil Vendhan,
Government Advocate for R1

Mr.P.Ganesan,
Government Advocate for R2

ORDER

This writ petition has been filed for issuance of a Writ of Mandamus, directing the 1st respondent to consider the representation dated 29.11.2024 made by the petitioner herein.

2. The petitioner was appointed as a salesman in the third respondent society on 20.06.1983 and promoted as Secretary on 12.09.1990. Due to irregularities concerning bogus jewel loans committed by other staff members, a Section 81 enquiry was ordered on 19.11.1996. Based on the enquiry report dated 03.07.1997, surcharge proceedings under Section 87 were initiated, and a final surcharge order was passed on 10.07.2001, fixing a loss amount of Rs.16,04,780/-, of which Rs.5,60,202/- was attributed to the petitioner. Though the petitioner paid Rs.1,00,000/- as per interim court directions in W.P. No.



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29722 of 2014, and subsequently filed a statutory appeal in CMA CS No. 1 of 2018, the respondents proceeded with recovery actions, including issuing auction notices despite the pending appeal. The petitioner had repaid the major part of the liability during the specified period by borrowing funds but was aggrieved by the penal interest levied over and above 9%. Representations to waive the excess interest were rejected, prompting the filing of the present writ petition.

3. Learned Counsel for the Petitioner submits that the surcharge proceedings are still pending final adjudication in the statutory appeal, and therefore, initiating auction proceedings is premature and violative of principles of natural justice. He submits that the impugned notices were served improperly and that coercive recovery actions during the COVID-19 Lockdown were arbitrary. He further submits that the petitioner has already discharged the principal liability by making payments and only challenges the exorbitant penal interest imposed. He submits that the representations seeking waiver of the penal interest have not been considered properly and that the continuous accrual of interest severely prejudices his rights, necessitating intervention through the



present writ petition.

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4. Learned Government Advocate appearing for R1 submits that the representation of the petitioner dated 29.11.2024 would be considered on merits, in accordance with law within a time frame stipulated by this Court.

5. Heard both sides and perused the materials available on record.

6. Without going into the merits of the case, the first respondent is directed to consider the representation of the petitioner dated 29.11.2024 after conducting a detailed enquiry by giving due notice to the petitioner, affording an opportunity of personal hearing, taking into consideration all the relevant documents submitted by the petitioner and pass appropriate orders on merits, in accordance with law, within a period of eight (8) weeks from the date of receipt of a copy of this order.

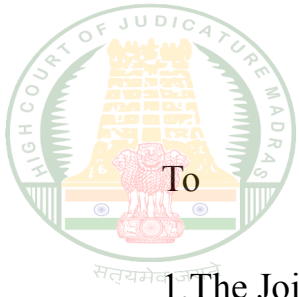
In the result, the writ petition stands disposed of with the above observations and direction. No costs.

14-07-2025

cda/dsn

Index: Yes/No

Speaking/Non-speaking order



To

1.The Joint Registrar of Co-operative Societies,
Dharmapuri, Dharmapuri District.

2.The Deputy Registrar of Co-operative Societies,
Dharmapuri, Dharmapuri District.

3.President, Adikarapatti,
The Management of 123,
Primary Agricultural Co-operative Credit Society,
Pappireddipatti Taluk, Dharmapuri District.



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N.MALA J.

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