



W.P.Nos.24727 & 24732 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 17.09.2025

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

W.P.No.24727 & 24732 of 2025
& WMP Nos.27883, 27884 & 27885 of 2025

H.Gopalakrishnan

... Petitioner in
W.P.No.24727 of 2025

E.Arul Selvam

... Petitioner in
W.P.No.24732 of 2025

Versus

1.The Industries Commissioner and
Director of Industries and Commerce,
Government of Tamil Nadu,
Guindy, Chennai-600 032.

2.The Industrial Co-operative Officer/Administrator,
The Kaikatty Industrial Co-operative Tea
Factory Ltd., Ind.No.779,
Melur Post, The Nilgiris-643 221.

.. Respondents

Prayer: Writ petitions filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the entire records pertaining to the Impugned order passed by the Second Respondent herein in his proceeding in Surcharge order No 01/Tha.Thee/2024 dated 13.01.2025 in respect of the alleged recovery of excess payment of



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retirement benefits sanctioned of Rs.99,373/- with 10% interest per annum from the petitioners and quash the same as illegal, arbitrary and in violation of principles of natural justice.

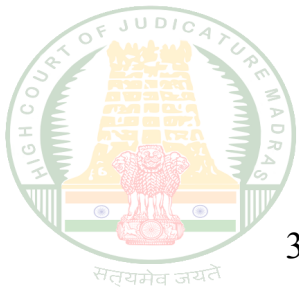
For Petitioners : Mr.A.Bobblic

For Respondents : Mr.R.V.Dinesh Raj Kumar
Additional Government Pleader for R1
Mr.R.Sasi Kumar,
Government Advocate for R2

COMMON ORDER

By consent, the main writ petitions are taken up for final disposal at the admission stage.

2. Seeking to quash the impugned order passed by the Second Respondent in his proceeding in Surcharge order No 01/Tha.Thee/2024 dated 13.01.2025 in respect of the alleged recovery of excess payment of retirement benefits sanctioned at Rs.99,373/- each with 10% interest per annum from the petitioners as illegal, arbitrary and in violation of principles of natural justice, the present writ petitions are filed.



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

4. Today, Mr.R.V.Dinesh Raj Kumar, learned Additional Government Pleader appearing for the first respondent would submit that as against the order passed under Section 87 of the Tamil Nadu Co-operative Societies Act, 1983(Surcharge proceedings), appeal lies before the District Court under Section 152 of the Tamil Nadu Co-operative Societies Act, 1983 and thereby, the writ petitions are not maintainable.

5. Learned counsel for the petitioners would submit that the petitioners may be permitted to withdraw the writ petitions with liberty to approach the District Court under Section 152 of the Tamil Nadu Co-operative Societies Act, 1983 and he would pray that the time taken for prosecuting the writ petition shall be excluded for the purpose of computing limitation.

6. In view of the above submission, permission is granted and these writ petitions are dismissed as withdrawn. No costs. The petitioners are at liberty to approach the District Court under Section 152 of the Tamil Nadu Co-operative Societies Act, 1983. It is made clear that the period spent in



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prosecuting the writ petitions shall be excluded for the purpose of computing limitation. Consequently, connected miscellaneous petitions are closed.

17.09.2025

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To

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Guindy, Chennai-600 032.
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A.D.JAGADISH CHANDIRA,J.

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