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Civil Revision Petition No.4846 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 3/1/2025

C O R A M

THE HONOURABLE Mr.JUSTICE N. SATHISH KUMAR

Civil Revision Petition (NPD) No.4846 of 2024

a n d

C.M.P.No.27095 of 2024

Prabakaran

...

Petitioner

Vs

1. The Chengalpattu Housing Board Society
rep. By its Special Officer
Chengalpattu.

2. The Deputy Registrar
The Chengalpattu Housing Board Society
Chengalpattu Division
Chengalpattu.

...

Respondents

PRAYER : Petition filed under Article 227 of the Constitution of India against the decree and judgment passed in C.M.A.No.17 of 2010 dated 28/6/2024 on the file of the Principal District Judge, Chengalpattu whereby confirmed the order passed by the second respondent in his Proceedings in Tha.Thee.No.8/2008-2009 “E” dated 24/9/2010.



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For petitioner ... Mr.C.Prakasam
For respondents ... Mr.D.Gopal
Government Advocate
for R.R.1 and 2.

ORDER

Challenging the impugned order dated 28/6/2024 of the Principal District Judge, Chengalpattu passed by the Cooperative Appellate Tribunal in C.M.A.No.17 of 2010 as against the surcharge proceedings, present revision is filed.

2. The brief background of facts which are necessary for the disposal of this Civil Revision Petition are as follows:-

Pursuant to the enquiry, under Section 81 of the Tamil Nadu Cooperative Societies Act, surcharge proceedings were initiated and three charges were framed against the revision petitioner, viz., (i). he has purchased more lands, other than the value fixed by the Superior Officers, thereby, a huge amount of Rs.6,21,13,650/- has been misappropriated; (ii). there was a misappropriation to the tune of Rs.10,50,56,550/- and there was



a misappropriation to the tune of Rs.16,01,760/-.

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3. The Enquiry Officer recorded a finding against the revision petitioner and ordered for recovery of amount. Challenging the said finding, appeal has been filed before the Principal District Judge, Chengalpattu. Vide, order, dated 28/6/2024, the learned Principal District Judge, has dismissed the appeal mainly on the ground that appeal is pending for the last fourteen years and held that the petitioner has not produced the records and both the petitioner and respondents have failed to submit their arguments and further, alleged malpractice which resulted in loss to the public Institution cannot be ignored, and dismissed the Co-operative Miscellaneous Appeal. Challenging the same, present Civil Revision Petition is filed.

4. Heard Mr.C.Prakasam, learned counsel for the petitioner and Mr.D.Gopal, Government Advocate for the respondents.

5. When serious allegations have been raised, enquiry is said to have been conducted and recorded a finding to the effect that huge amount has been allegedly misappropriated in purchasing the lands, Appellate Court ought to have gone into the merits. Without doing so, merely on the



petitioner's contentions and without verifying the records, findings have been confirmed. Such an order in view of this Court is erroneous and therefore, set aside.

6. Accordingly, this Civil Revision Petition is allowed and the matter is remanded back to the First Appellate Court. The Principal District Judge, Chengalpattu, is directed to find out whether there is any willful negligence to attract the proceedings under Section 87 of the Act and decide the appeal on merits, and in accordance with law, within a period of four months, from the date of receipt of a copy of this order, after affording opportunity to both sides.

No costs. Consequently, connected Miscellaneous Petition is closed.

3/1/2025

mvs.

Index : Yes / No

Neutral Citation: Yes/No



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To



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2. The Special Officer
Chengalpattu Housing Board Society
Chengalpattu.
3. The Deputy Registrar
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Chengalpattu Division
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N.SATHISH KUMAR,J

mvs.

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