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C.R.P. No.4346 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.04.2025

CORAM

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

**CRP.(NPD).No.4346 of 2022
and CMP.No.22900 of 2022**

G. Sivanesan

... Petitioner

Versus

The Deputy Registrar of Cooperative Societies,
Tiruvannamalai.

... Respondent

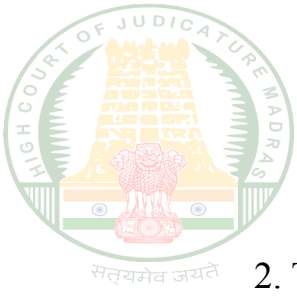
Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, to allow the civil revision petition and set aside the order passed by the Appellate Cooperative Tribunal/Principal District Judge, Tiruvannamalai, dated 27.09.2022 in C.T.A.No.21 of 2015.

For Petitioner: Mr. L. P. Shanmugasundaram

For Respondent: Mrs. R. Anitha, Special Gov.Pleader,
for Mr. P. Gurunathan, AGP (C.S)

ORDER

This Civil Revision Petition has been filed seeking to set aside the order dated 27.09.2022 in C.T.A.No.21 of 2015 passed by the learned Appellate Cooperative Tribunal/Principal District Judge, Tiruvannamalai.



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2. The brief facts of the case are that the petitioner was initially appointed as fertilizers sales man of Panaiolaipadi Primary Agricultural Cooperative Bank Ltd., Chengam Taluk and thereafter, he is working as Clerk in society. He was entrusted with the work of maintaining cash balance and sale of fertilizers. While he was working along with Natarajan, Secretary, and Selvaraj, Assistant Secretary, Francis, Sellar, Annamalai, Vadivelan, the Deputy Registrar, Tiruvannamalai came to know about the irregularities and misappropriation of funds committed in the Cooperative Bank. Therefore, Deputy Registrar ordered *Suo Motu* enquiry under Section 81 of the Act by proceedings dated 28.02.2025. The Enquiry Officer submitted his findings that there were misappropriation of funds, forgery, falsification of accounts, dereliction of duty and negligence committed by the staffs that caused loss to the society to the tune of Rs.5,91,857.20. Therefore, in pursuance of findings of Enquiry Officer, Surcharge notice was issued to the petitioner on 12.06.2006. The petitioner neither submitted his defence nor appeared before the respondent for enquiry, hence, the Deputy Register passed orders on the Surcharge proceedings on



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29.08.2008 directing the petitioner to pay a sum of Rs.5,81,356.71/- with
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interest at the rate of 8%. Aggrieved by the orders passed by the respondent/Deputy Registrar of the Cooperative Societies, Tiruvannamalai, the petitioner preferred an appeal in C.T.A.No.21 of 2015 before the Appellate Cooperative Tribunal/Principal District Judge, Tiruvannamalai. The Appellate Court had dismissed the appeal on 27.09.2022. Against which, the present Civil Revision petition has been filed before this Court.

3. Mr. L. P. Shanmugamsundaram, learned counsel for the petitioner submits that though several grounds has been raised in the revision petition, he is restricting his arguments to the ground that when the petitioner was issued with the show cause notice by the Deputy Registrar, reporting the Enquiry Officer under Section 81 of the Tamil Nadu Cooperative Societies Act, 1983 (hereinafter referred to as “TNCS Act”), was not furnished to the petitioner. Further, the Deputy Registrar had not conducted any enquiry as required under required Section 87(4) of the Act. Therefore, he prays that the revision may be

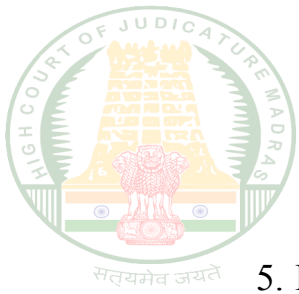


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allowed and the orders be set aside and the matter may be remanded back to the authority concerned for conducting a fresh enquiry under Section 81 after furnishing the report of enquiry and also providing opportunity for examination of the witnesses. In support of his contention, he relied upon the order of this Court, in *C.Kamaraj and one another, v. The Registrar of Cooperative Societies and four others*, reported in 2017 (1) CTC 258.

4. Mrs. R. Anitha, Special Government Pleader, appearing for Mr. P. Gurunathan, learned Additional Government Pleader, for the respondent submits that despite service of notice, the petitioner failed to appear for the enquiry and thereby the order was passed by the Deputy Registrar. However, she would fairly admit that the enquiry report under Section 81 had not been furnished to the petitioner and the procedure required under Section 87(4) of the Act, has not been complied with.



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5. Heard the learned counsel for the petitioner and the learned Additional Government Pleader (C.S), appearing for the respondent and perused the materials available on record.

6. Admittedly, in this case, the enquiry report under Section 81 of the Act has not been furnished to the petitioner and the procedure required under Section 87(4) of the Act has not been followed. This Court, in the case of ***C.Kamaraj and one another, v. The Registrar of Cooperative Societies and four others***, referred supra had issued a general circular indicating the procedures to be followed, before passing of the order, including the issuance of enquiry report in order to avoid unnecessary litigations arising out of that orders.

7. In view of the above, this Court is inclined to allow the Civil Revision Petition on the limited aspect and this matter is remanded back to the file of the Deputy Registrar Cooperative Societies, Tiruvannamalai. The Deputy Registrar



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shall furnish the enquiry report under Section 81 of the Act, to the petitioner and thereafter proceed in accordance with the procedure required under Section 87(4) of the Act. The petitioner shall appear before the Deputy Registrar Cooperative Societies, Tiruvannamalai on **09.06.2025**. On such day, he shall be furnished with the Enquiry Report under Section 81 and proceedings shall be completed within a period of four (4) months thereafter.

8. With the above observations and directions, this Civil Revision Petition is allowed. No costs.

23.04.2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

klr



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- To
- 1.The Appellate Co-operative Tribunal/Principal District Judge,
Tiruvannamalai.
 - 2.The Deputy Registrar of Cooperative Societies, Tiruvannamalai.
 - 3.The Section Officer, V.R.Section Officer, High Court, Madras.



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