



CRP(PD).No.6246 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 09-12-2025

CORAM

THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

**C.R.P (PD).No.6246 of 2025
& C.M.P.No.30896 of 2025**

A.V.Dhanapal
S/o.M.Velusamy,
5/240-7, Vadkuthottam,
Rajan Nagar,
K Kpudur Post,
Avanashi Tiruppur District – 641 654. Petitioner/Appellant

Vs.

1. The Deputy Registrar of Co-operative Society,
Tirupur Region,
Tiruppur.

2. The Administrator,
K.2046 Palangarai Primary Agricultural
Cooperative Credit Society,
Aveinashilingapalayam, Avanish Taluk,
Tiruppur District.

.... Respondents

Prayer: Civil Revision Petition is filed under Article 227 of Constitution of India, to direct the Learned Principal District Judge/Tribunal for Cooperative Cases Tiruppur to dispose of the case in I.A.No.1 of 2025 C.M.A(CS).No.30 of 2025 on merits.

For Petitioner: Mr.L.P.Shanmugasundaram

For Respondents: Mr.N.Muthuvel,
Government Advocate, for R1
Mr.J.Daniel,
Government Advocate, for R2



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ORDER

The Civil Revision Petition is filed on the grounds that the petitioner prays this Court to direct the Learned Principal District/Tribunal for Cooperative Cases, Tirupur, to dispose of the case in I.A.No.1 of 2025 in C.M.A (CS).No.30 of 2025 on merits within such time to be fixed by this Court by allowing this Civil Revision Petition.

2. At the admission stage, Mr.N.Muthuvel and Mr.J.Daniel, Learned Government Advocates take notice on behalf of the first and second respondents.

3. Upon hearing the Learned Counsel for the petitioner and perusing the material records of the case, it can be seen that the surcharge order was passed on 26.06.2025, ordering recovery of a total sum of Rs.3,13,28,030/- from the delinquent employees as well as the President and Board Members of the Society. The petitioner herein is the President of the Society and his liability is also included in respect of several items of the charges in the surcharge proceedings.



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4. Aggrieved thereby, the petitioner has filed C.M.A.(CS).No.30 of 2025.

Pending the Civil Miscellaneous Appeal, the petitioner has filed I.A.No.1 of 2025 seeking stay of all further proceedings pursuant to the surcharge order. It is seen that notice was ordered in the said application returnable by 09.12.2025 even though an auction notice in Form No.9, dated 31.10.2025 was also issued proposing to auction the petitioner's property on 10.12.2025 at 11:00 a.m. It is seen from the docket order that notice was ordered returnable by 09.12.2025 i.e., today. It is submitted by the Learned Counsel for the petitioner that today there is boycott of Court by the Bar Association in the respective place. It is further stated that the petitioner in person was present and prayed for an interim order. However, the matter is simply adjourned to 04.03.2026 by recording that the Government Pleader is entering appearance and posting the matter for counter. Therefore, this Civil Revision Petition is urgently moved before this Court.

5. When the surcharge order is impugned in an appeal and when prayer for stay is made, it is for the trial Court to decide the same on the basis of prima facie case and the balance of convenience, including considering of the role played by the petitioner in the entire charges in creating loss to the Cooperative Society and to pass orders granting either stay or passing a conditional order of stay directing the petitioner to pay any particular amount or dismissing the relief



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of interim stay prayed for by the petitioner. Without doing any of the above, when the petitioner's property is said to be auctioned tomorrow, simply adjourning the matter on the ground that the Advocates are boycotting is totally out of question. A copy of this order is also marked to the Bar Association concerned that their repeated acts of boycotting results in these kind of prejudices to the litigants. If this continues, there will be no litigants approaching the Court.

6. Be that as it may, the Learned Counsel, taking notice at the admission stage, submits that when the matter is moved as an urgent lunch motion, they are not in a position to immediately get instructions as to the role played by the petitioner, the total amount that will be apportionable to the petitioner, etc. It is for the Tribunal to consider the prima facie case and decide the application for interim stay.

7. In view thereof, this Civil Revision Petition is disposed of on the following terms:

(i) The auction, as stated in the notice dated 31.10.2025 shall go on however, the same shall not be confirmed.



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(ii) The hearing of I.A.No.1 of 2025 in C.M.A(CS).No.30 of 2025 stands advanced to 18.12.2025. The respondent shall file counter, if any, in the I.A by then. It is for the Trial Court to consider the I.A on its own merits and pass orders in accordance with law. In any event, the I.A shall be disposed of as expeditiously as possible and not later when 12.01.2026 and the C.M.A shall thereafter be disposed of within a period of three months i.e., not later than 31.03.2026.

Consequently, connected Miscellaneous Petition is closed.

09-12-2025

Neutral Citation :Yes
bsm

To,

1. The Principal District Judge/Tribunal for Cooperative Cases, Tiruppur.

2. The Deputy Registrar of Co-operative Society,
Tirupur Region,
Tiruppur.

3. The Administrator,
K.2046 Palangarai Primary Agricultural
Cooperative Credit Society,
Aveinashilingapalayam, Avanish Taluk,
Tiruppur District.

4. The Government Pleader, High Court, Madras.

5. Bar Association, Tiruppur.



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