



C.R.P.(NPD) (MD) No.628 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.03.2025

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THE HON'BLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

C.R.P.(NPD) (MD) No.628 of 2025

and

C.M.P.(MD) No.3404 of 2025

The Deputy Registrar of
Cooperative Societies,
Srivilliputhur.

.. Revision Petitioner/
2nd Respondent

Vs.

1.Balasubramanian

.. 1st Respondent/Appellant

2.O 508, Mamsapuram Primary Agricultural
Cooperative Credit Societies,
Through its Manager.

.. 2nd Respondent/
1st Respondent

Prayer: Petition filed under Article 227 of the Constitution of India against the fair and decretal order dated 24.02.2023 passed in C.M.A.(CS) No.7 of 2016 on the file of the Principal District and Sessions Court, Virudhunagar District at Srivilliputhur setting aside the surcharge order passed by the revision petitioner against the 1st respondent under Section 87 of the Tamil Nadu Cooperative Societies Act 1983.



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For Petitioner : Mr.M.Ajmalkhan
Additional Advocate General
assisted by Mr.S.Shanmugavel
Additional Government Pleader

For Respondents : No appearance

ORDER

This civil revision petition, under Article 227 of the Constitution of India, has been filed by the Deputy Registrar of Cooperative Societies, Srivilliputhur against an order passed by the Appellate Tribunal in an appeal filed under Section 152 of the Tamil Nadu Cooperative Societies Act, 1983 (hereinafter referred to as “the Act, 1983”) against an order passed under Section 87 of the Act, 1983.

2. The Deputy Registrar, who is the petitioner in this civil revision petition, is the person authorised by the Registrar of Cooperative Societies to discharge his functions under Section 87 of the Act, 1983. The Deputy Registrar exercising power under Section 87 of the Act, 1983 would be acting as a quasi-judicial authority and therefore, this Court has entertained a doubt



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about the maintainability of the civil revision petition at the instance of the Deputy Registrar of Cooperative Societies.

3. Accordingly, Mr.M.Ajmalkhan, learned Additional Advocate General assisted the Court and submitted that the Deputy Registrar exercising powers under Section 87 of the Act, 1983 would be discharging the quasi-judicial functions and he has also drawn the attention of this Court to subsection (4) of Section 87 of the Act, 1983, which reads as under:

“87(4). The Registrar or the person authorised by him shall, when acting under this section, have all the powers of a Civil Court while trying a suit under the Code of Civil Procedure, 1908 (Central Act V of 1908) in respect of the following matters, namely:-

- (a) summoning and enforcing the attendance of any person and examining him on oath;*
- (b) requiring the discovery and production of any documents;*
- (c) reception of evidence on affidavits;*
- (d) requisitioning any public record from any Court or office;*



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(e) *issuing Commission for examining of witnesses.*”

4. From the perusal of sub-section (4) of Section 87 of the Act, 1983, it is fortified that the Deputy Registrar or the Registrar exercising power under Section 87 of the Act, 1983 is conferred with powers of a civil Court under the Code of Civil Procedure and therefore, any power exercised under Section 87 of the Act, 1983 would definitely fall within the scope of quasi-judicial function.

5. The learned Additional Advocate General also further brought to the notice of this Court a decision of the Hon'ble Supreme Court in the case of *Airports Economic Regulatory Authority of India vs. Delhi International Airport Ltd. And others* reported in *2024 SCC OnLine SC 2923*, wherein the Honb'le Apex Court after having discussed the entire case law in elaborate, came to the conclusion that the authority discharging the quasi-judicial function cannot be arrayed as a party respondent to the appeal or revision



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filed against its orders. The relevant portion from the said decision reads as under:

“33. In view of the above discussion, the following principles emerge:

a. An authority (either a judicial or quasi-judicial authority) must not be impleaded in an appeal against its order if the order was issued solely in exercise of its “adjudicatory function”;

b. An authority must be impleaded as a respondent in the appeal against its order if it was issued in exercise of its regulatory role since the authority would have a vital interest in ensuring the protection of public interest; and

c. An authority may be impleaded as a respondent in the appeal against its order where its presence is necessary for the effective adjudication of the appeal in view of its domain expertise.”

6. Here is a converse case where the authority who concluded the proceedings as a 'quasi-judicial authority' has come before this Court by filing the present civil revision petition. Once it is concluded that the quasi-



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judicial authority cannot be impleaded as a respondent to a proceedings, such a quasi-judicial authority shall be not entitled to initiate the further proceedings initiated against the order passed by the said quasi-judicial authority.

7. In the light of the above, this civil revision petition cannot be entertained at the instance of the Deputy Registrar of the Cooperative Societies, who acted as a quasi-judicial authority and exercised power under Section 87 of the Act, 1983. Accordingly, this Civil Revision Petition is dismissed leaving it open to the aggrieved society to take appropriate steps against the order under revision. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

8. However, the learned Additional Advocate General, has expressed an apprehension that the Society, which is in fact aggrieved by an order passed by the Appellate Tribunal may not choose to contest the said order, as the persons who are responsible for such mis-management or misappropriation would be continue to be in management of the said Society.



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9. No doubt, such a situation may arise in a particular facts and circumstances of the case, but that would not deprive the authorities under the Act, 1983 to take appropriate action against the persons who are mis-managing such societies. The Registrar of Co-operative Societies is always competent to initiate appropriate action against the Cooperative Societies who are found to be involved in mis-managing the affairs or failed to protect the interest of the Society.

27.03.2025

NCC : Yes/No

Index : Yes/No

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MUMMINENI SUDHEER KUMAR, J.

ABR

To

- 1.The Deputy Registrar of Cooperative Societies,
Srivilliputhur.
- 2.The Principal District and Sessions Court,
Virudhunagar District at Srivilliputhur.

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