

W.P.(MD).No.6724 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 14.03.2025

CORAM:

THE HONOURABLE **MR.JUSTICE VIVEK KUMAR SINGH**

W.P.(MD)No.6724 of 2025
and
W.M.P.(MD)No.4977 of 2025

K.Karthi Kannan

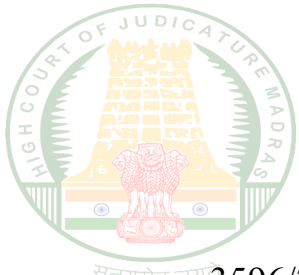
... Petitioner

-VS-

1. The Regional Joint Registrar Of Co-Operatives,
Office of the Regional Joint Registrar,
Thoothukudi District.
2. The Joint Registrar / Administrator,
District Central Cooperative Bank,
Thoothukudi
3. The Deputy Registrar of Co-operatives,
Thoothukudi Circle,
Thoothukudi
4. The Administrator,
O-344 Palakayal Primary Agricultural Cooperative Credit Society,
Palakayal,
Thoothukudi.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari calling for the records pertaining to the impugned order issued by the 3rd respondent in Tha.Thi.Va.11/2024/Sa.Pa.Na.Ka.



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3596/2023/Sa.Pa dated 10.10.2024 and quash the same insofar as the petitioner is concerned.

For Petitioner : Mr.C.Jeganathan

For Respondents : Mr.K.S.Selvaganesan

Addl. Government Pleader

ORDER

This writ petition has been filed challenging the impugned order issued by the 3rd respondent in Tha.Thi.Va.11/2024/Sa.Pa.Na.Ka.3596/2023/Sa.Pa dated 10.10.2024.

2. The case of the petitioner is that the petitioner was working as Assistant in the fourth respondent society. While being so, the second respondent ordered statutory enquiry for the petitioner on the allegation of some misappropriation and the second respondent had also initiated surcharge proceedings under Section 87 of Tamil Nadu Co-operative Societies Act, 1983, against the petitioner and others holding that the petitioner and others are responsible for the loss occurred to the society, for which the petitioner has given his explanation. However, not satisfying with the same, the impugned order came to be passed. Challenging the same, this writ petition came to be filed.



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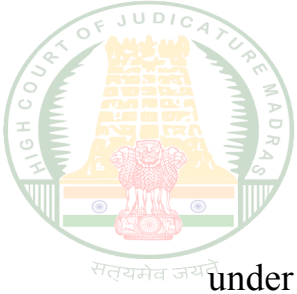
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3. The learned counsel appearing for the petitioner relied upon an order of this Court passed in a similar issue, in WP.No.7825 of 2018 dated 10.09.2018, wherein, this Court set aside the impugned order holding that proceedings under Section 87 of the Tamil Nadu Co-operative Societies Act, 1983 cannot be initiated, based on the enquiry report filed under Section 81 of the Tamil Nadu Co-operative Societies Act, 1983, and the relevant portion of the order reads as follows:-

“7. In view of the counter affidavit filed by the first respondent admitting that the proceeding under Section 87 of the Act cannot be initiated based on Section 81 Enquiry Report filed, in respect of employees of the Central Cooperative Bank, the Impugned order needs to be set aside.

8. In the result, the writ petition is allowed and the impugned order passed by the third respondent in Na.Ka.3558/2016 sapa2, dated 18.09.2017 is set aside. However, liberty is given to the respondents to initiate separate enquiry proceeding under Section 81 of the Act, against the petitioner herein. No costs. Consequently, connected miscellaneous petition is closed.”

4. Thus, following the aforesaid ratio, the impugned order dated 10.10.2024 passed by the third respondent is hereby set aside. However, liberty is given to the respondents to initiate separate enquiry proceedings



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under Section 81 of the Tamil Nadu Co-operative Societies Act, 1983, against the petitioner herein. No costs. Consequently, connected miscellaneous petition is closed.

NCC : Yes/No
Index : Yes / No
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14.03.2025
(1/2)



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VIVEK KUMAR SINGH, J.

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Order made in
W.P.(MD)No.6724 of 2025
(1/2)

Dated:
14.03.2025