



C.R.P.(NPD) (MD) No.1141 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

C.R.P.(NPD) (MD) No.1141 of 2025

The Secretary
M.D.Spl.20, Uthappanaikanoor
Primary Agricultural Co-operative
Credit Society

... Petitioner

-VS-

1.M.Paraman

2.The Deputy Registrar
Co-operative Societies
(Usilampatti)
Tirumangalam
Madurai District

... Respondents

PRAYER: Civil revision petition is filed, under Article 227 of the Constitution of India, to set aside the fair and decreetal order, dated 16.08.2024, made in C.M.A.(CS) No.19 of 2024, on the file of the Principal District Court, Madurai.

For Petitioner : Mr.S.Muthukumar

For Respondents : Mr.F.Deepak
Special Government Pleader for R2



C.R.P.(NPD) (MD) No.1141 of 2025

WEB COPY

ORDER

Heard Mr.S.Muthukumar, learned counsel for the petitioner and Mr.F.Deepak, learned Special Government Pleader, appearing for the second respondent.

2. This civil revision petition has been filed by the Secretary, M.D.Spl.20, Uthappanaikanoor Primary Agricultural Co-operative Credit Society, under Article 227 of the Constitution of India, against the order dated 16.08.2024, passed in C.M.A.(CS) No.19 of 2024, by the learned Principal District Judge, Madurai, whereby the learned Principal District Judge allowed the appeal filed by the first respondent herein against the proceedings bearing S.C.No.4 of 2011, dated 07.06.2012, passed against him by the second respondent herein.

3. The proceedings bearing S.C.No.4 of 2011, dated 07.06.2012, was passed by the second respondent herein, in exercise of the power conferred under Section 87 of the Tamil Nadu Co-operative Societies Act, 1983 (in short, “the Act, 1983”), fixing a liability of Rs.5,41,057.30 together with interest at 18% per annum, against the first respondent herein.



C.R.P.(NPD) (MD) No.1141 of 2025

WEB COPY

4. The learned Principal District Judge, having examined the matter in detail, came to the conclusion that the surcharge proceedings that were initiated against the first respondent herein are barred by limitation, in view of the limitation prescribed under the first proviso to Sub-Section (1) of Section 87 of the Act, 1983. Further, the learned Principal District Judge also came to the conclusion that the limitation prescribed under Sub-Section (1) of Section 87 of the Act, 1983 is mandatory by following various decisions of this Court, which are discussed in detail in the order under revision.

5. Admittedly, the liability that is fixed against the first respondent herein is pertaining to the years 1997-1998 and 1998-1999 and the surcharge proceedings under Section 87 of the Act, 1983, were initiated for the first time by issuing a notice in the year 2010-2011. Thus, the proceedings that were initiated against the first respondent herein are beyond the period of decade. There is no dispute on the factual aspects of the matter. In the absence of any dispute on the factual aspects of the matter, this Court does not find any error or illegality in the order under revision warranting interference of this Court in exercise of the superintending jurisdiction under Article 227 of the Constitution of India.



C.R.P.(NPD) (MD) No.1141 of 2025

WEB COPY

6. In the light of the above, this Court does not find any merit in this civil revision petition and the same is, accordingly, dismissed. No costs.

15.04.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

krk

To:

- 1.The Principal District Judge,
Madurai.
- 2.The Deputy Registrar,
Co-operative Societies
(Usilampatti),
Tirumangalam,
Madurai District.



WEB COPY



C.R.P.(NPD) (MD) No.1141 of 2025

MUMMINENI SUDHEER KUMAR, J.

krk

C.R.P.(NPD) (MD) No.1141 of 2025

15.04.2025

Page 5 of 5