

REV.APLC(MD)Nos.140 to 142 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 16.05.2025

C O R A M

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

**REV.APLC(MD)Nos.140 to 142 of 2024
in**

CRP(MD)Nos.1316 of 2014, 745 of 2016 and 1315 of 2014

The Management,
EE-444, Sawyerpuram Primary Agricultural
Co-Operative Credit Society,
Represented by its Secretary,
Sawyerpuram,
Thoothukudi District.

... Review Applicants in all applications

Vs.

1.K.Lakshmanan

2.The Deputy Registrar of Co-Operative Societies,
Doovipuram 3rd street,
Thoothukudi.

3.P.Nallasivam

4.A.Kanikumar

5.R.Venkatesan

6.R.Esakimuthu

.... Respondents in
Rev.Aplc (MD)No.140 of 2024



REV.APLC (MD) Nos.140 to 142 of 2024

1.K.Lakshmanan

2.The Deputy Registrar of Co-Operative Societies,
Doovipuram 3rd street,
Thoothukudi.

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6.M.Arumuganainar

.... Respondents in
Rev.Aplc (MD)No.141 of 2024

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4.A.Kanikumar

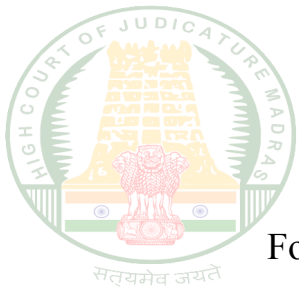
5.R.Esakimuthu

6.M.Arumuganainar

7.R.Venkatesan

.... Respondents in
Rev.Aplc (MD)No.142 of 2024

PRAYER: Review Applications are filed under Order XLVII Rule 1 and 2 of the Code of Civil Procedure, 1908, to review the order passed in CRP(MD)Nos. 1316 of 2014, 745 of 2016 and 1315 of 2014 dated 28.02.2017 and dismiss the civil revision petitions.



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For Review Applicant : Mr.D.Shanmuga Raja Sethupathy

For Respondent : Mr.P.Samuvel Gunasingh

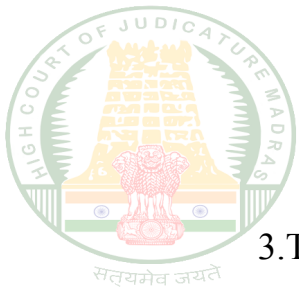
No.1

in all applications

ORDER

These review applications have been filed by EE 444, Sawyerpuram Primary Agricultural Co-Operative Credit Society, Thoothukudi on the ground that the proceedings initiated as against the private respondents / delinquent officers, consequent to a report under Section 81 of the Tamil Nadu Co-Operative Societies Act has been closed by allowing the civil revision petitions that the private respondents / delinquents were not served with the enquiry report. The petitioner society is not a party to the proceedings in the civil revision petitions.

2.The above civil revision petitions were filed by the 1st respondents as against the judgment and decree passed by the Principal District Court, Thoothukudi / Co-operative Tribunal in CMA (CS) Nos.34 to 36 of 2009. The Co-Operative Tribunal by its judgment and decree dated 10.11.2011 confirmed the orders passed by the District Registrar, Co-Operative Society under Section 87 of the Tamil Nadu Co-Operative Societies Act [herein shall be referred to as 'the Act'] in SC.No.9 of 2005, 12 of 2005 and 11 of 2005 dated 21.06.2006 respectively.



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3.The allegation is that the private respondents while working as the executive members of EE 444, Sawyerpuram Primary Agricultural Co-Operative Credit Society, committed misappropriation of the society fund and caused pecuniary loss to the society. An enquiry was conducted under Section 81 of the Act, based on which the surcharge proceedings was initiated by the petitioner's society before the respondent Deputy Registrar of Co-Operative Societies, who had allowed the surcharge proceedings that the private respondents are jointly and severally liable for the loss caused to the society and directed them to pay the misappropriated amount. Challenging the same these respondents preferred above CMA (CS) Nos.34 to 36 of 2009. The tribunal has dismissed the appeals and confirmed the orders of the Deputy Registrar. Therefore, the 1st respondent has preferred the above civil revision petitions as against the judgment and decree passed by the Co-Operative Tribunal dated 10.11.2011.

4.The civil revision petitions were allowed by this court by setting aside the orders passed by the Tribunal that the enquiry report under Section 81 of the Act was not furnished to the delinquents. Admittedly the petitioner's society, who initiated surcharge proceedings under Section 87 of the Act based on the enquiry report under Section 81 of the Act, was not a party to the civil



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revision petitions. In fact, the respondents have raised the same plea before the Tribunal that they have been furnished with the enquiry report. The same was considered by the tribunal and it was rejected. However, this Court has allowed the civil revision petitions and set aside the orders without providing any opportunity to the petitioner society, who initiated surcharge proceedings. This Court in all fairness ought to have provided an opportunity to the petitioner society and in the event if the enquiry report has not been furnished to the 1st respondent as claimed by them, this court ought to have remanded the matter for fresh consideration. The petitioner claims that the enquiry report under Section 81 of the Act was furnished.

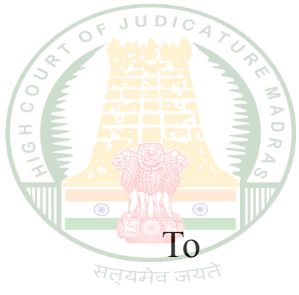
5.Considering the submissions made on either side, these review applications are partly allowed and the civil revision petitions are restored.

Post the civil revision petitions in the usual course as per the roster.

16.05.2025

DSK

Internet : yes/No



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To

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- 1.The Principal District Judge,
Thoothukudi.
- 2.The Deputy Registrar of Co-Operative Societies,
Doovipuram 3rd street,
Thoothukudi.



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B.PUGALENDHI, J

DSK

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