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W.P.No.12807 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.01.2026

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THE HONOURABLE Mr.JUSTICE C.KUMARAPPAN

W.P.No.12807 of 2016
and
W.M.P.No.11203 of 2016

P.Sunasekaran

... Petitioner

Vs.

1. Registrar of Cooperative Societies,
Kilpauk, Chennai – 10.
2. The Joint Registrar of Cooperative Societies,
Villupuram Region,
Villupuram, Villupuram District.
3. The Deputy Registrar of Cooperative
Societies, (Housing),
Cuddalore Region
Cuddalore – 607 001,
Cuddalore District.
4. The Assistant Director,
(Industrial Cooperative)
District Industries Centre,
Cuddalore – 607001,
Cuddalore District.
5. Special Officer,
Police Forces Women Industrial
Cooperative Society,
Pudukuppam, Cuddalore – 607 01,
Cuddalore District.

... Respondents



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Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, call for the records and quash the proceeding of the fourth respondent in his Na.Ka.No.192/ICI/2009 dated 05.06.2014 following by the proceedings of the third respondent in his Na.Ka.576/2014/Po.Tho dated 18.12.2015 and consequently directing the respondents to refund Rs.1,64,310/- to the petitioner and all amounts with held and delay together with interest.

For Petitioner : Mr.R.Gururaj

For Respondents : Dr.S.Suriya,
Additional Government Pleader
(for R1 to R4)
Mr.V.Sivalingam
for M/s.C.S. Associates (for R5)

ORDER

The present Writ Petition has been filed challenging the impugned orders dated 05.06.2014 and 18.12.2015.

2.By the impugned order dated 05.06.2014, the fourth respondent ordered recovery of a sum of Rs.1,64,340/- on account of loss alleged to have been caused by the petitioner. Pursuant thereto, the said amount was recovered vide proceedings dated 18.12.2015.



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3.The main contention of the learned counsel for the petitioner is that though a sum of Rs.1,64,340/- was recovered based on a consent letter said to have been given by the petitioner, the said consent letter was obtained by coercion and duress. It is further contended that the deduction was made without proper consideration of the relevant materials and that no show cause notice was issued to the petitioner prior to passing the recovery order dated 05.06.2014. Hence, the impugned recovery orders are liable to be set aside.

4.Per contra, the learned Additional Government Pleader appearing for the first to fourth respondents would stoutly oppose the above contention and submit that while the petitioner was serving as Secretary of the fifth respondent Society, inferior materials were procured for the manufacture of caps supplied to the Police Department. The Office of the Director General of Police returned 2,490 caps, thereby causing a loss of Rs.1,64,340/- to the Society. When the said loss was brought to the notice of the petitioner, he voluntarily gave a consent letter agreeing for recovery, and only based on such consent, a sum of Rs.1,64,340/- was deducted from his gratuity. Therefore, according to the respondents, there is no infirmity in the impugned orders.



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5.I have given my anxious consideration to either side submissions.

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6. There is no serious dispute with regard to the purchase of materials and the return of the caps by the Police Department. The primary contention of the petitioner is that the consent letter was obtained under coercion and duress and that no show cause notice was issued prior to the recovery.

7. A perusal of the recovery order does not indicate issuance of any prior show cause notice to the petitioner. However, the question that arises for consideration is whether such non-issuance of notice has caused prejudice to the petitioner. In the present case, it is an admitted fact that the petitioner had issued a consent letter to the respondents. Though it is contended that the same was obtained by coercion and duress, the existence of the consent letter itself is not in dispute. In such circumstances, this Court is of the view that non-issuance of a prior notice has not caused any demonstrable prejudice to the petitioner.

8. Insofar as the allegation of coercion and duress is concerned, the same involves disputed questions of fact which cannot be adjudicated in a writ proceeding under Article 226 of the Constitution of India. Determination



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of such issues would require appreciation of evidence, which is beyond the scope of writ jurisdiction.

9. In view of the above, this Court does not find any merit in the present Writ Petition. Accordingly, this Writ Petition stands dismissed. However, if the petitioner has any remedy, he is at liberty to work out the same in the manner known to law. Consequently, the connected Miscellaneous Petition is closed. No costs.

23.01.2026

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Index : Yes

Speaking order

Neutral Citation : Yes

To

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C.KUMARAPPAN, J.

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