



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-03-2026

CORAM

THE HON'BLE MR JUSTICE M.DHANDAPANI

CRP No. 1132 of 2026

S.Kanagasabhai,
S/o.Srinivasan,
Main Road,
Tholar Village,
Tittagudi Taluk,
Cuddalore District
Pincode 606 111.

..Petitioner(s)

Vs

1. The Deputy Registrar of Co-operative Societies,
Virudachalam Circle,
Virudachalam.
2. The Administrator,
I.I.556, Tholar Primary Agriculture
Co-operative Credit Society Ltd.,
Virudachalam Circle,
Cuddalore.

..Respondent(s)

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India praying to allow this Civil Revision Petition and set aside the Judgement and Decree passed by the III Additional District and Sessions Judge Court at Cuddalore, Virudhachalam, in CMA.No.08 of 2019 dated 06-02-2025 and consequently order of the 1st Respondent dated 29.03.2019 Na.Ka.1869/2018/Sa.pa, quash the same and thus render justice.

For Petitioner(s):

Mr.L.P.Shanmugasundaram

For Respondent(s):

Mr.Tamilnidhi, Additional Government Pleader for
R1
Mr.R.Siddharth, Additional Government Pleader
for R2



Order

This Civil Revision Petition has been filed against the judgment of III Additional District and Sessions Judge Court at Cuddalore, Virudhachalam, dated 06.02.2025, wherein surcharge order of the respondent has been challenged.

2. Case of the petitioner is that he was selected as the President of the respondent Cooperative Society from 06.05.2013 to 05.05.2018. Alleging that the petitioner had misappropriated funds of the respondent Society, 1st respondent ordered enquiry under Section 81 of the Tamil Nadu Cooperative Societies Act, 1983 and thereafter, Surcharge Officer issued a show cause notice on 02.07.2018. It is the further contention of the petitioner that without furnishing the enquiry report and the relevant documents and providing the opportunity of cross examination, the 1st respondent had passed the surcharge order under Section 87 of the Tamil Nadu Cooperative Societies Act on 29.03.2019, directing the petitioner to pay a sum of Rs.1,73,522.50 with 18% interest. Against which, the petitioner has preferred an appeal under Section 152 of the said Act in CS-CMA.No.08/2019 before the Cooperative Tribunal. The Tribunal, vide order dated 06.02.2026, had dismissed the appeal. Aggrieved by the same, the petitioner has preferred the Civil Revision Petition.



3. Learned counsel for the petitioner states that though the petitioner paid the entire recovery amount and the 1st respondent has filed a memo in that regard, the Tribunal had dismissed the Appeal, which is unsustainable in the eye of law and no adjudication has been made on merits and therefore prays for quashment of the impugned order.

4. Learned counsel appearing for the respondent also fairly submitted that the entire surcharge amount was paid and there is no due from the petitioner.

5. It is admitted fact that the members had paid the disputed amount pending appeal before the Cooperative Tribunal that too after initiation of surcharge proceedings and based on the memo filed to that effect, the Cooperative Tribunal has also dismissed the appeal. Since the entire amount has already been paid by the members to the Cooperative Society, no useful purpose would be served in quashing the impugned order as the said payment was not paid in protest. Therefore, the payment made has virtually made the surcharge proceedings ineffective at this stage and therefore, no order are required at this stage.

6. Hence, this Civil Revision Petition stands disposed of with the above observations.



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Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

SK

Note: Issue order copy on 09.03.2026.



To

1. The Deputy Registrar of Co-operative Societies,
Virudachalam Circle,
Virudachalam.
2. The Administrator,
I.I.556, Tholar Primary Agriculture
Co-operative Credit Society Ltd.,
Virudachalam Circle,
Cuddalore.



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M.DHANDAPANI J.

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