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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-11-2026

CORAM

THE HON'BLE MR JUSTICE G.K. ILANTHIRAIYAN

REV.APLW No. 254 of 2025

CNR:{HCMA011608432025}

AND

WMP NO. 44009 OF 2025

Case QR

The Administrator,
K.K.25 Modhur Primary Agriculture
Co-operative Credit Society,
Dharmapuri District 635 205.

..Petitioner(s)

Vs

1. G.Boothalan
   S/o. Ganesan,
   Ramiyampatti,
   Mallikuttai Post,
   Karimangalam Taluk,
   Dharmapuri District.

2. The Deputy Registrar Of Cooperative Societies,
   Dharmapuri Circle, Dharmapuri

3. The Cooperative Sub Registrar/
   Sales Officer,
   K.K.Modhur Primary Agricultural
   Cooperative Credit society Ltd.,
   Modhur, Dharmapuri Taluk.

..Respondent(s)

PRAYER: Review Application is filed under Section XLVII Rule 1 r/w Section 114 of CPC, praying to review the order made in W.P. No 11060 of 2022 on the file of this Court dated 11.09.2024.

For Petitioner(s): Mr.P.S.Sivashanmugasundaram

For Respondent(s): Mr.G.Mohammed Aseef for R1

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Order

This review application has been filed seeking review of the order dated 11.09.2024 passed by this Court in W.P. No.11060 of 2022, filed by the first respondent herein.

2.The first respondent filed the writ petition challenging the auction notice issued in E.P. No.14/2019-20, Award No.2941/2015/Sa.Pa., dated Nil, proposing to auction the properties owned by the petitioner and his family members pursuant to the surcharge order passed against him under Section 87 of the Tamil Nadu Cooperative Societies Act, 1983, on the ground that he had already deposited a sum of Rs.30,00,000/- towards his share of the liability. Considering the said submission, this Court quashed the auction notice and allowed the writ petition.

3.The applicant herein is the Society in which the first respondent had misappropriated funds, thereby causing a loss to the tune of Rs.1,19,36,085/- during the period between 2011 and 2015. Even according to the statement of the first respondent, surcharge proceedings had been initiated against him. During the surcharge enquiry conducted under Section 87 of the Act, the first respondent, on 03.09.2018, had given an undertaking to pay a sum of Rs.35,00,000/- together with interest. However, the first respondent had

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deposited only a sum of Rs.30,00,000/-. Since the Society was not impleaded as a party to W.P. No.11060 of 2022, it could not bring these facts to the notice of this Court.

4.Heard the learned counsel on either side and perused the materials placed on record.

5.On perusal of the records, it is revealed that surcharge proceedings had been initiated against the first respondent herein and, pursuant to the undertaking given by him, he is liable to pay a sum of Rs.35,00,000/- towards the surcharge amount, together with interest. However, he has deposited only a sum of Rs.30,00,000/-.

6.In view of the above, the first respondent is directed to pay the balance sum of Rs.5,00,000/- together with interest at the rate of 9% per annum from the date of the surcharge proceedings, i.e., 03.09.2018, within a period of four weeks from the date of receipt of a copy of this order. Failing such payment, the applicant Society is at liberty to bring the property owned by the first respondent to auction, in accordance with law.

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7.Accordingly, this review application is disposed of with the above directions. Consequently, the connected miscellaneous petition is closed.

03-11-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

AH

To

1.The Administrator,
K.K.25 Modhur Primary Agriculture
Co-operative Credit Society,
Dharmapuri District 635 205.

2.The Deputy Registrar Of Cooperative Societies
Dharmapuri Circle, Dharmapuri.

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