



WEB COPY



CRP No. 6637 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-02-2026

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THE HONOURABLE MR.JUSTICE P.B. BALAJI

CRP No. 6637 of 2025

1. R. Kumarasamy
S/o.Ramalingam, Periyavenmani Village
and post, Maduranthagam Taluk, Presently
Chengalpattu District.

Petitioner(s)

Vs

1. The Deputy Registrar
(Dairy Development), Kancheepuram
2.Periyavenmani Milk Producers
Co. Operative Society Ltd., Rep by its
Special Officer, C/o. The Deputy Registrar,
Dairy Development, Kancheepuram.

Respondent(s)

Civil Revision Petition filed under Article 227 of Constitution of India against the dismissal of the appeal by order and decretal order dated 26.11.2024 made in Cooperative CMA No.22/2003 on the file of the Court of Principal District Judge, Chengalpattu confirming the order dated 15.10.2001 passed by the Deputy Registrar (Diary Development), Kancheepuram in S.C.No.7/2001-2002.

For Petitioner(s): B.Srinivasan

K. Rajapandi

For Respondent(s): Mr. V. Ramesh,

Government Advocate For R2

Mr.A.Anandan

For R.1

ORDER

Heard the learned counsel for the petitioner and the learned counsel for the respondents.



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2. Learned counsel for the petitioner inviting my attention to the impugned judgment passed by the learned Principal District Judge, Chengalpattu, would contend that the learned District Judge has not even gone into the merits and the contentions raised by the petitioner in the appeal and has summarily dismissed the appeal as if the appellate Court is not bound to go into the merits and that it can interfere only when there is a procedural violation and gross violation of law resulting in injustice. In addition, learned counsel would also bring to my notice that there is no allegation of any misappropriation and the allegation was only on account of short fall of milk available in the Society for which the Secretary of the Society was not even impleaded or arrayed as respondent. He would further state that he had approached this Court earlier in CRP No.3545 of 2024 and this Court by order dated 11.09.2024 had allowed revision, directing the learned District Judge to dispose of the appeal expeditiously and only in order to comply with the order of this Court, the learned District Judge hastily disposed of the appeal without even dealing with any of the merits and contentions of the advanced by the petitioner.

3. Per contra, learned counsel appearing for the respondent would state that the order is a well reasoned order and does not require any interference in this revision under Article 227 of the Constitution of India.



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4. I have carefully considered the submissions made by the learned counsel on either side.

5. Admittedly, as against the surcharge proceedings under Section 87 of the Tamil Nadu Cooperative Societies Act, 1983, the petitioner preferred CMA No.22 of 2023 which is a statutory appeal remedy available to the petitioner. Unfortunately, the learned Principal District Judge has held that the court is not concerned with the merits of the grounds raised by the petitioner, but has to only restrict the scope of the appeal to whether there is any gross violation of principles of natural justice or violation of law resulting in injustice. The statutory appellate court is bound to go into all the contentions and grounds raised by the appellant in the appeal. Unfortunately, the learned Principal District Judge disposed of the appeal in a summary manner, especially after an order passed by this Court in an earlier round of revision directing the learned Principal District Judge to dispose of the appeal, after hearing the learned counsel for the petitioner. In fact, by then, it is brought to the notice of this court that even elaborate written arguments has also been submitted.

6. In the light of the above, I am unable to sustain the order of the learned



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P.B.BALAJI,J

sr

Principal District Judge, Chengalpattu and I am inclined to set aside the order and remit the matter to the learned Principal District Judge, Chengalpattu. The appeal shall be heard fresh and fair opportunity shall be given to either side and the learned Principal District Judge is directed to dispose of the appeal in CMA No.22 of 2003 on merits and in accordance with law within a period of three months from the date of receipt of a copy of this order.

7. With the above direction, the civil revision petition is allowed. No costs.

09.02.2026

sr

Index:yes/no

Website:yes/no

Speaking Order/Non-Speaking Order

To

The Principal District Court, Chengalpattu

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