



WEB COPY

WP No. 49273 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-01-2026

CORAM

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

**WP No. 49273 of 2025
and WMP No. 55040 of 2025**

1.A.Ramesh
2.R.Rajendran
3.A.Mayilsamy

Petitioner(s)

Vs

1. The Registrar of Co- Operative Societies
EVR Maaligai, Kilpauk, Chennai- 600 010.

2.The Joint Registrar Of Co- Operative Societies
Coimbatore District.

3.The Deputy Registrar
Coimbatore Zone, Coimbatore District.

4.The Administrator
K 4303 Madukkarai Primary Agricultural
Co-Operative Credit Society
12/63, Periakattu Veedhi, Madukarai Market
Coimbatore- 641 105.

5.M.Senthilkumar

Respondent(s)

PRAYER

To call for the records pertaining to surcharge order dated 24.08.2024 in proceedings Na.Ka.1401/ 2024/Sa.Pa on the file of 3rd respondent and quash the same and direct the 2nd and 3rd respondents to determine the loss amount caused to the 4th respondent society on account of irregularities committed by the 5th respondent by ordering fresh enquiry with regard to unrecovered loan sanctioned by him and the amount recoverable from him based on final audit



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report and subsequent audit report besides recovering the amount concluded and fixed in the earlier order dated 7.4.2022 passed by the 2nd respondent.

For Petitioner(s): Mr.S.Pushpakaran

For Respondent(s): Mr.K.Tamilvendan, GA-R1 to R4

ORDER

The petitioners are members of the 4th respondent Co-operative Society. Their allegation is that, the 5th respondent had indulged in financial irregularities and mismanagement of the funds of the 4th respondent to the tune of Rs.40 lakhs. On a complaint being lodged, surcharge proceedings were initiated. Instead of recovering Rs.40 lakhs, a sum of Rs.2,16,585/- alone was directed to be recovered. Feeling aggrieved by the said order, the petitioners have filed this writ petition challenging the surcharge order.

2. I heard Mr.S.Pushpakaran, learned counsel for the petitioner and Mr.Tamilvendan, learned Government Advocate for the respondents 1 to 4.

3. It is the plea of Mr.Tamilvendan, that an order passed under Section 87(1) of the Tamil Nadu Co-operative Societies Act, 1983, (hereinafter referred to as 'the Act') is amenable to appeal before the Co-operative Tribunal under Section 152(1)(a) of the Act.



4. A reading of the provision shows that 'any person aggrieved' can prefer an appeal to the Co-operative Tribunal. The petitioners, being members of the Co-operative Society are certainly aggrieved, if the 5th respondent, who, according to them, is liable to refund a sum of Rs.40 lakhs, is let go on payment of Rs.2,16,585/-.

5. The submission of Mr. Tamilvendan that they have a right of appeal is well founded.

6. At this stage, Mr. S. Pushpakaran states that he came to know about this order only now and immediately, they filed a writ petition.

7. Since there is a right of appeal and further revision to this court, in case the appeal goes against the petitioners, I am not inclined to entertain the writ petition. The petitioners may prefer an appeal to the learned Principal District Judge, Coimbatore, within a period of thirty days from today (05.01.2026). In case the appeal is filed within the period of thirty days, the learned Principal District Judge, Coimbatore, shall entertain the appeal without reference to limitation.



8. The respondents 1 to 4 shall not disburse the amount to the 5th respondent for the period of thirty days. In case, the petitioners require any further interim order, they are at liberty to move the learned Principal District Judge for the same.

9. This Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

10. The learned Principal District Judge shall act on a web copy of this order and not insist on a certified copy of the same.

05-01-2026

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

Maya

Note: Upload the order copy by tomorrow(06.01.2026).



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V.LAKSHMINARAYANAN J.

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