



W.P(MD)No.21317 of 2018

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.07.2026

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P(MD)No.21317 of 2018

and

W.M.P.(MD).Nos.19179 to 19181 of 2018

R.Rajagopal

... Petitioner

Vs

1.The Joint Registrar of Co-operative Societies,
O/o. The Joint Registrar of Co-operative Societies,
T.R.Naidu Street,
Tuticorin-2.

2.The Deputy Registrar of Co-operative Societies,
O/o. The Deputy Registrar of Co-operative Societies,
Ettayapuram Main Road,
Opposite to Post Office,
Kovilpatti,
Tuticorin District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorari, calling for the impugned notice issued by the second respondent in his proceedings in Na.Ka.No.2732/2017/Saba dated 04.05.2018 and quash the same as illegal.



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For Petitioner : Mr.M.Mohamed Zamil
for M/s.Ajmal Associates

For Respondents : Mrs.K.R.Shivashankari,
Counsel for State

ORDER

This writ petition has been filed challenging the impugned notice issued by the second respondent in his proceedings in Na.Ka.No.2732/2017/Saba dated 04.05.2018

2. Heard the learned counsel on either side.

3.The learned counsel appearing for the petitioner would submit that the impugned proceedings have been issued based on the enquiry conducted under Section 81 of the Tamil Nadu Co-operative Societies Act. According to the learned counsel, the enquiry report itself grants liberty to the competent authority to initiate surcharge proceedings under Section 87 of the Act, if so advised. Pursuant to the said enquiry report, the impugned proceedings have been issued proposing to recover the alleged loss from the petitioner. Aggrieved by the same, the present writ petition has been filed.



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4. Per contra, the learned counsel for State appearing for the respondents would submit that the impugned proceedings are only in the nature of a show cause notice issued in the course of surcharge proceedings under Section 87 of the Act. The petitioner has an effective opportunity to submit his explanation and raise all factual and legal objections before the competent authority. Therefore, at this stage, the writ petition is premature and not maintainable.

5. This Court has considered the rival submissions made on either side and perused the materials available on record.

6. Since the impugned proceedings are only a show cause notice/proceedings initiating surcharge action under Section 87 of the Tamil Nadu Co-operative Societies Act, this Court is not inclined to interfere with the same in exercise of its jurisdiction under Article 226 of the Constitution of India. It is always open to the petitioner to submit his explanation together with all supporting documents before the competent authority and raise all the grounds available to him in law. The competent authority shall consider the same on its own merits, afford sufficient opportunity of personal hearing to the petitioner and thereafter pass appropriate orders in accordance with law.



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7. Accordingly, this writ petition is disposed of granting liberty to the petitioner to submit his explanation/objections to the impugned notice within a period of two weeks from the date of receipt of a copy of this order. On receipt of such explanation, the second respondent shall consider the same, after affording an opportunity of personal hearing, and pass appropriate orders on merits and in accordance with law, uninfluenced by any observations made in this order, as expeditiously as possible. No Costs. Consequently, the connected miscellaneous petitions are closed.

10.07.2026

NCC : Yes / No
Index : Yes / No
TSG



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M.DHANDAPANI, J.

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