

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.06.2015

CORAM

THE HONOURABLE MR.JUSTICE D. HARIPARANTHAMAN

W.P.No.14295 of 2015

and

M.P.No.1 of 2015

B.Kandasamy

..Petitioner

Vs.

1. The Deputy Registrar of
Co-operative Societies,
Tindivanam Circle, Jayapuram,
Tindivanam, Villupuram District.

2. K.Sagajanandam,
Enquiry Officer,
Co-operative Sub-Registrar/
Field Officer,
Melmalaiyanoor,
O/o. Deputy Registrar of
Co-operative Societies,
Jayapuram, Tindivanam,
Villupuram District.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, praying to call for the records of 81 Enquiry Report dated 26.05.2014 passed by the second respondent with covering letter dated 27.03.2015 and quash the same and consequently direct the first respondent to furnish the 14 documents sought for by the petitioner in his representations dated 26.12.2014, 14.02.2015 and 07.04.2015 and enable the petitioner to file his reply for the proceedings in Na.Ka.No.2006/2013 Ku.Na. dated 18.12.2014 issued by the first respondent as Surcharge proceedings under Section 87 (1) of the Tamil Nadu Co-operative Societies Act, 1983.

For Petitioner : Mr.R.Karunakaran

For Respondents: Mr.T.P.Savitha,
Government Advocate

ORDER

By consent, the main writ petition itself is taken up for final disposal.

2. The petitioner has sought to quash the Enquiry Report under Section 81 of the Tamil Nadu Co-operative Societies Act, 1983 (hereinafter referred to as the Act). Now, based on the Enquiry Report under Section 81 of the Act, surcharge proceedings were initiated under Section 87(1) of the Act. Instead of facing the surcharge proceedings and setting out his defence, the petitioner has approached this Court.

3. The grievance of the petitioner is that the petitioner shall be provided the Enquiry Report under Section 81 of the Act and all the documents that could be relied on by the first respondent in the surcharge proceedings. It is needless to state that the first respondent shall provide the Enquiry Report under Section 81 of the Act and other documents that are relied on by them in the surcharge proceedings. The first respondent is directed to provide those documents that are relied on by them.

4. This Writ petition is disposed of with the aforesaid observation. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

jrl

To

1. The Deputy Registrar of Co-operative Societies,
Tindivanam Circle, Jayapuram,
Tindivanam, Villupuram District.
2. Enquiry Officer,
Co-operative Sub-Registrar/Field Officer,
Melmalaiyanoor,
O/o. Deputy Registrar of Co-operative Societies,
Jayapuram, Tindivanam,
Villupuram District.

+1cc to Mr.R. Karunakaran, Advocate, S.R.No.25783
+1cc to the Government Pleader, S.R.No.25875

GGK(CO)
EU(07/07/2015)

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