

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.08.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.24338 of 2015

and

M.P.No.1 of 2015

1.K.Rajamani
2.S.Ramesh

.. Petitioners

Vs

1.The Deputy Registrar of Co-operative
Societies (Housing),
South Kavarai Street,
Manjakuppam, Cuddalore.

2.The Inspector of Police, (L & O),
Tittagudi Police Station,
Cuddalore District.

3.The President,
No.E.2075, Tittagudi Cooperative
Housing Society Limited,
Tittagudi-606 106,
Cuddalore District.

.. Respondents

Petition filed under Article 226 of The Constitution of India,
praying for the issuance of a Writ of mandamus directing the first
respondent to consider the representation of the petitioners dated
08.06.2015.

For Petitioners .. Mr.P.P.Shanmugasundaram

For Respondents .. Mr.L.P.Shanmugasundaram,
Spl.Govt.Pleader for R1 and R3
Mr.V.Subbiah,
Spl.Govt.Pleader for R2

ORDER

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

2.The first petitioner was working as Secretary and the second petitioner was working as Clerk in the third respondent Society and they were visited with proceedings under Section 81 of the Tamil Nadu Co-operative Societies Act, 1983 as well as criminal prosecution in C.C.No.77 of 2005 pending on the file of the Judicial Magistrate, Tittakudi and final orders have also been passed in the surcharge proceedings on 06.06.2005. According to the petitioners, during the course of enquiry in the surcharge proceedings, they were unable to produce the relevant records on the alleged ground of fire accident. Subsequently, when audit was conducted, it came to light that entire records are available in the custody of the Society and no irregularities were committed by them and therefore, the petitioners submitted a joint representation dated 08.06.2015 to the first respondent to review the said decision. Since no orders have been passed, the petitioners came forward to file the present writ petition.

3.Heard the submissions of Mr.P.P.Shanmugasundaram, learned counsel appearing for petitioners, who would submit that in the light of the subsequent development, there may not be any impediment on the part of the first respondent to review the final orders passed under Section 81 of the Tamil Nadu Co-operative Societies Act and hence prays for appropriate orders.

4.Per contra, Mr.L.P.Shanmughasundaram, learned Special Government Pleader, who accepts notice on behalf of respondents 1 and 3 would submit that unless the first respondent confers with powers to review the decision, he cannot do so.

5.The Court heard the submissions of Mr.V.Subbiah, learned Special Government Pleader, who accepts notice on behalf of the second respondent.

6.This Court, taking into consideration the limited scope of the prayer sought for by the petitioners and without going into the merits of the same, directs the first respondent to consider and dispose of the petitioners' representation dated 08.06.2015, in accordance with law and pass orders, within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioners. The writ petition is disposed of

accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

mmi

To

1.The Deputy Registrar of Cooperative Societies (Housing),
South Kavarai Street,
Manjakuppam, Cuddalore.

2.The Inspector of Police, (L & O),
Tittagudi Police Station,
Cuddalore District.

3.The President,
No.E.2075, Tittagudi Cooperative
Housing Society Limited,
Tittagudi-606 106,
Cuddalore District.

+1 cc to Mr.L.P.Shanmughasundram, Advocate, sr.41097

+1 cc to Government Pleader, sr.41218

+1 cc to Mr.P.P.Shanmugasundarm, Advocate, sr.41007.

सत्यमेव जयते

W.P.No.24338 of 2015

tej (co)
kra (24/08)

WEB COPY