

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 4/11/2015

C O R A M

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

WP.No.25816 of 2015
and
MP.Nos.1 & 2 of 2015

O.S.63, Nagapattinam District Adi Dravidar
Welfare Department Employees Co-op.
Thrift and Credit Society Ltd.,
Rep. by its President,
R.Sampath,
S/o.Ramdoss,
Mayiladuthurai,
Nagapattinam District. Petitioner

Versus

- 1.The Deputy Registrar of Co-op. Societies,
Mayiladuthurai Circle,
Mayiladuthurai,
Nagapattinam District.
- 2.The Inspection Officer/Co-op. Sub Registrar,
O.S.63, Nagapattinam District Adi Dravidar
Welfare Department Employees Coop.
Thrift and Credit Society Ltd.,
Mayiladuthurai,
Nagapattinam District. ... Respondents

Writ petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Certiorari, calling for the entire records relating to the impugned inspection report dated 24.03.2015 submitted by the second respondent before the first respondent and quash the same.

Prayer amended as per order dated 19/08/2015 by NKKJ.

For Petitioner : Mr.C.Prakasam

For Respondents : Mr.D.Venkatachalam, GA

O R D E R

With the consent of the learned counsel appearing on either side, the writ petition is taken up for final disposal.

2. Heard Mr.C.Prakasam, learned counsel appearing for the petitioner and Mr.D.Venkatachalam, learned Government Advocate, appearing on behalf of the respondents.

3. The petitioner has filed this writ petition, challenging the report dated 24th March 2015, submitted by the second respondent to the first respondent, which is a report filed under Section 82 of the Tamil Nadu Co-operative Societies Act. During the pendency of the writ petition, based on such report, surcharge proceedings were initiated and surcharge notice No.2 of 2015 was issued. Therefore, this Court by an order dated 19.08.2015, suo motu amended the prayer in the writ petition, as to call for the entire records relating to the impugned notice in Surcharge Notice No.2 of 2015 pending before the first respondent.

4. When the matter is heard today, Mr.C.Prakasam, learned counsel for the petitioner submits that the petitioner would file his objections to the notice raising all the contentions and the matter may be directed to be dealt with, in accordance with law, after affording an opportunity to the petitioner. Accordingly, the prayer is that till the proceedings are finalized, no recovery should be ordered.

5. Heard Mr.D.Venkatachalam, learned Government Advocate, for the respondents on the above submissions.

6. Since the impugned proceeding is only a surcharge notice issued under Section 82 of the said Act, it is proper for the petitioner to respond to such a notice, raising all the objections, including the objections raised in this writ petition. Since the report is only a fact finding report, the same cannot be the subject matter of challenge.

7. Accordingly, this writ petition is disposed of, directing the petitioner to submit his reply to the surcharge notice No.2 of 2015, within a period of four weeks from the date of receipt of a copy of this order. On receipt of such a reply, the first respondent shall consider the reply and all materials and after affording opportunity of personal hearing to the President of the Petitioner Society shall pass a reasoned order, on merits and in accordance with law. Till final orders

are passed, no coercive steps shall be taken to recover any amount from the Petitioner Society. Consequently, connected miscellaneous petitions are closed. No costs.

Sd/
ASSISTANT REGISTRAR (CO)

/TRUE COPY/

SUB-ASSISTANT REGISTRAR

mvs/dn

To

- 1.The Deputy Registrar of Coop. Societies,
Myladuthurai Circle,
Myladuthurai,
Nagapattinam District.
- 2.The Inspection Officer/Coop. Sub Registrar,
O.S.63, Nagapattinam District Adi Dravidar
Welfare Department Employees Coop.
Thrift and Credit Society Ltd.,
Myladuthurai,
Nagapattinam District.

+1 CC to MR.C.Prakasam Advocate. SR.NO. 61115
+1 CC to Govt.Pleader. SR.NO. 61185

W.P.No.25816 of 2015

CO-VS
JD 09/12/2015

सत्यमेव जयते

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