

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.08.2015

CORAM :

THE HONOURABLE MR. JUSTICE N.KIRUBAKARAN

W.P.No.26740 of 2015
and M.P.No.1 of 2015

Natesa.Thamizharvan
President
Needamangalam Taluk,
Co-op. Housing Society Ltd.,
Vadaku Street, Olimathi Post,
Needamangalam Taluk,
Thiruvarur District.

... Petitioner

vs.

The Registrar (Housing)
Office of the Registrar of
Co-op. Societies (Housing)
2nd Floor Annexe,
Tamil Nadu Housing Board Building
Anna Salai, Nandanam,
Chennai - 35.

... Respondent

Prayer :- Writ petition filed under Article 226 of the constitution of India praying for a writ of certiorarified mandamus calling for the records of the respondent culminating in the impugned notice of the respondent dated 05.08.2015 bearing reference Na.Ka.4003/2015/Sa.Pa2, quash the same and thereby direct the respondent to issue a show cause notice afresh in conformity with Section 36 (2) of the Tamil Nadu Co-op. Societies Act, 1983, alongwith or after furnishing to the petitioner the enquiry report of the Sub-Registrar/Enquiry officer dated 19.06.2015 in the enquiry u/s 81 of the Tamil Nadu Co-op. Societies Act, 1983 together with the connected relevant documents.

For Petitioner : Mr.V.Jeevagiridharan
For Respondent : Mr.D.Venkatachalam

O R D E R

The petitioner is the President of Needamangalam Taluk Co-operative Housing Society Limited. For certain charges, enquiry u/s 81 of the Act was ordered. The Sub-Registrar/enquiry officer conducted enquiry and filed report on 19.06.2015. Based on the said report, now the impugned order has been issued on 05.08.2015 to show cause as to why the petitioner should not be permanently disqualified.

2. Heard Mr.V.Jeevagiridharan, learned counsel appearing for the petitioner and Mr.D.Venkatachalam, learned counsel appearing for the respondent.

3. It is evident that enquiry under Section 81 was already ordered and the report is also said to have been filed on 19.06.2015 which is referred as Item No.2 in the reference of the impugned order dated 05.08.2015. The petitioner also called upon the first respondent to furnish a copy of the said enquiry report so that he can give proper reply. Without furnishing the report dated 19.06.2015, the petitioner may not be in a position to give proper reply.

4. In view of the above said circumstances, the first respondent is directed to furnish a copy of the enquiry report dated 19.06.2015 given by the Sub Registrar/Enquiry officer to the petitioner at the earliest, on obtaining acknowledgment from him. On receipt of the enquiry report from the first respondent, the petitioner shall give reply to the respondent within a period of two weeks thereafter. After reception of the said reply to be given by the petitioner, the respondent may pass appropriate orders. If no reply is received from the petitioner within two weeks from the date of furnishing of the said report of the Sub Registrar, it is open to the respondent to proceed further, in accordance with law.

5. It is made clear that there shall not be any coercive steps against the petitioner till he gives his reply on receipt of a copy of the enquiry report dated 19.06.2015 and the respondent passes orders.

6. The writ petition is disposed of with above direction. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Asst.Registrar(CSII)

/true copy/

Sub Asst. Registrar

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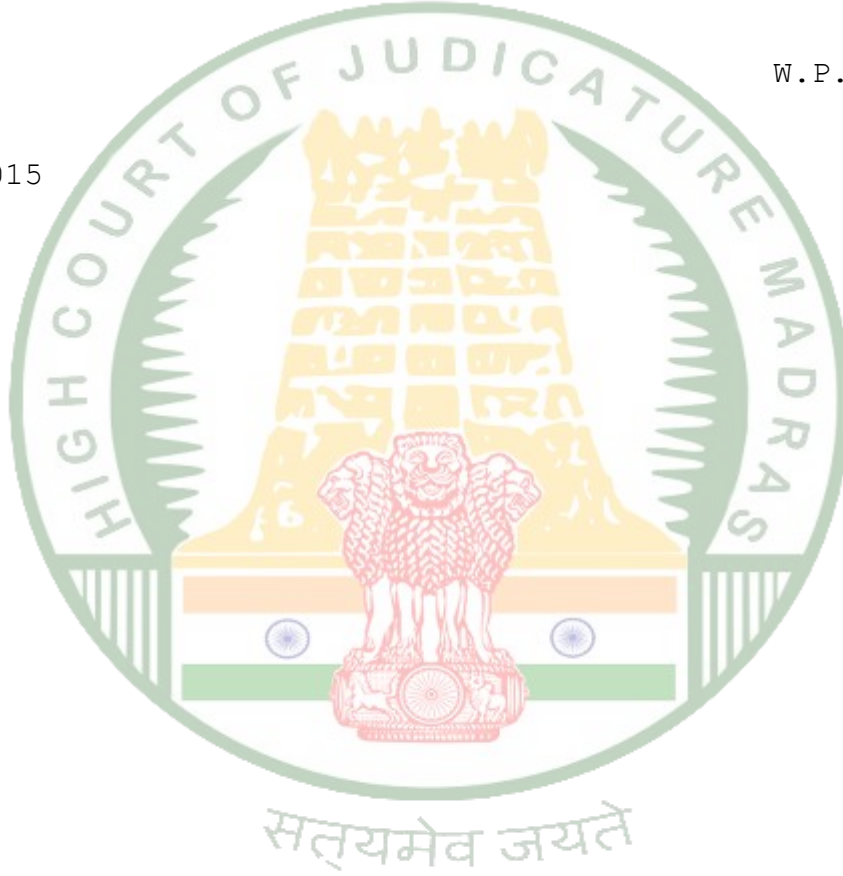
To

The Registrar (Housing)
Office of the Registrar of
Co-op. Societies (Housing)
2nd Floor Annexe,
Tamil Nadu Housing Board Building
Anna Salai, Nandanam,
Chennai - 35.

+1 cc to Mr.V.Jeeva Giridharan Advocate sr.45805

W.P.No.26740 of 2015

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