

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.09.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

Writ Petition No.30220 of 2015

&

M.P.No.1 of 2015

C.Udayakumar

...Petitioner

Vs.

The Deputy Registrar of
Co-operative Societies,
Hosur Circle, Hosur,
Krishnagiri District.

...Respondents

PETITION under Article 226 of The Constitution of India praying for issuance of Writ of Mandamus to forbear the respondent from proceeding under Section 87 of the Tamil Nadu Co-operative Societies Act against the petitioner pursuant to the notice Th.No.2/2015 sa.pa.dated 17.08.2015 without furnishing the copies of the documents required by him in his letter dated 03.09.2015.

For Petitioner : Mr.Balan Haridas
for M/s.C.K.Chandrasekhar

For Respondents : Mr.R.Bala Ramesh, AGP

O R D E R

By consent, the Writ Petition itself is taken up for final disposal.

2. The grievance expressed by the petitioner, who was working as Secretary of the second respondent - Society and being visited with the surcharge proceedings under Section 87 of the Tamil Nadu Cooperative Societies Act, is that though the surcharge proceeding has been issued by referring to various documents/books of accounts, the copies of the same have not been furnished to him, thereby,

preventing him from submitting his effective written statement of defence. Hence, the petitioner has submitted a representation dated 03.09.2015 praying for furnishing of copies of certain documents, so as to enable him to submit his response. Since no orders have been passed, the petitioner came forward to file the present Writ Petition.

3. Learned counsel appearing for the petitioner would submit that though in the surcharge proceedings reference have been made to certain documents and books of accounts, none of the documents have been furnished to the petitioner and consequently, he has been put to grave prejudice and prevented from making effective representation.

4. Per contra, learned Additional Government Pleader, who accepts notice on behalf of the respondent, would submit that for deciding the surcharge proceedings, furnishing of documents is not mandatory and prays for dismissal of the Writ Petition.

5. This Court, upon hearing the rival submissions of both sides and in the light of the facts and circumstances of the case and without going into the merits of the same, directs the first respondent to permit the petitioner to peruse the documents referred to in the surcharge proceedings and take notes/copies of the same or the first respondent himself can furnish documents referred to in the representation of the petitioner dated 03.09.2015 within a period of six weeks from the date of receipt of a copy of this order. Till then, the respondent shall defer further decision in terms of surcharge notice dated 17.08.2015.

The Writ Petition is disposed of accordingly. No costs. Consequently, M.P.No.1 of 2015 is closed.

Sd/-
Assistant Registrar(CS-II)

//True Copy//

सत्यमेव जयते

Sub Assistant Registrar

s1

WEB COPY

To

The Deputy Registrar of Co-operative Societies,
Hosur Circle, Hosur,
Krishnagiri District.

1 CC to M/s.C.K.Chandrasekkar, Advocate SR.No. 52490

1 CC to Mr.R.Bala Ramesh, Advocate SR.No. 52239

Writ Petition No.30220 of 2015
& M.P.No.1 of 2015

RV (CO)
PSI (12.10.2015)



WEB COPY