

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.10.2015

CORAM:

THE HON'BLE MR.JUSTICE N.KIRUBAKARAN

W.P.No.31741 of 2015

and

M.P.No.1 of 2015

Natesa Thamizharvan

... 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

Writ Petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the respondent to furnish to the petitioner the copies of relevant records and statements of witnesses related to the enquiry report of the Sub Registrar/Enquiry Officer dated 19.06.2015 in the enquiry u/s 81 of Tamil Nadu Co-op Societies Act, 1983 as sought by the petitioner in the representation dated 28.09.2015.

For petitioner : Mr.V.Jeevagiridharan

For Respondent : Mr.R.Bala Ramesh,
Additional Government Pleader

ORDER

The writ of mandamus has been filed by the petitioner to furnish all the documents and statements relied upon in the Enquiry Report dated 28.09.2015 conducted under Section 81 of the Tamil Nadu Co-operative Societies Act [hereinafter referred to as "the Act"], to give proper reply to the show cause notice issued by the petitioner.

2. The petitioner is the elected President of Needamangalam Taluk Co-operative Housing Society from 2013 onwards. There are certain allegations with regard to the payment of arrears of salary without approval from the proper authorities. In this regard, enquiry under Section 81 of the Act was initiated and Enquiry Report has been filed. Based on the Report, to supersede the Management and disqualify the petitioner, a show cause notice was issued and that was challenged before this Court in W.P.No.26740 of 2015 and this Court by order dated 27.08.2015, directed the respondent to furnish the Enquiry Report to give appropriate reply. Even though the said Enquiry Report dated 28.09.2015 has been furnished, still the documents and the statements relied upon in the Report have not been furnished to the petitioner, which compelled the petitioner to approach this Court by way of this writ petition.

3. Heard the learned counsel for the petitioner and the learned counsel for the respondent.

4. Pursuant to the order passed by this Court on 27.08.2015, no doubt, the respondent furnished the Enquiry Report. The only grievance of the petitioner is that the documents and the statements relied upon in the said Report have not been furnished. Considering the statement made by Mr.R.Bala Ramesh, learned Additional Government Pleader, it is proper to direct the petitioner to inspect all the documents and go through the statements relied upon in the Report within 10 days from the date of receipt of a copy of this order. The petitioner is directed to give reply to the show cause notice dated 05.08.2015. After receipt of the reply within 10 days, the respondent is directed to conduct enquiry and pass appropriate orders within eight weeks thereafter. The petitioner is also directed to co-operate with the respondent for disposal of the matter. The respondent shall make available all the documents and statements for inspection by the petitioner.

The writ petition is disposed of with the above direction. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

gms

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.

+lcc to Mr.V.Jeevagiridharan, Advocate, S.R.No.54951
+lcc to the Government Pleader, S.R.No.55089

W.P.No.31741 of 2015

VSN(CO)
CA(04/11/2015)



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