

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.02.2015

CORAM

THE HONOURABLE Mr. JUSTICE M.DURAI SWAMY

W.P.No.3847 of 2015 &
M.P.No. 1 of 2015

R.Pandian

.. Petitioner

vs.

Deputy Registrar of
Co-operative Societies,
Cheyyar (PO) & (TK),
PIN: 604 407.

.. Respondent

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of certiorari, calling for the records of the respondent relating to his proceedings in No.Rc.4464/1998 Sa.Pa., dated 24.07.2014 and quash the same.

For Petitioner : Mr.P.Anbarasan
For Respondents : Mr.D.Venkatachalam
Govt. Advocate

ORDER

Challenging the impugned notice dated 24.07.2014 issued under section 81 of the Tamil Nadu Co-operative Societies Act, 1983, the petitioner has filed the above writ petition.

2. By the impugned notice dated 24.07.2014, the respondent called for explanation from the petitioner with regard to the loss sustained by the society.

3. The learned counsel appearing for the petitioner submitted that the petitioner had already submitted his explanation before the respondent.

4. Mr.D.Venkatachalam, learned Government Advocate takes notice for the respondent and submitted that since the petitioner has challenged the notice, the respondent may be directed to consider

the explanation filed by the petitioner and decide the same on merits.

5. The petitioner has approached this court after a lapse of six months, that too, after filing his explanation before the respondent.

6. In these circumstances, I am of the considered view that the present writ petition is devoid of merits and the same is liable to be dismissed. However, the respondent shall decide the dispute after taking into consideration the explanation given by the petitioner and also after affording an opportunity of hearing to the petitioner, on merits and in accordance with law, as expeditiously as possible and in any event, within a period of three months from the date of receipt of a copy of this order. The respondent is also directed to take into consideration the order passed by this court in W.A.No.227 of 2008, dated 1.4.2008, which is annexed in the typed set of papers, at the time of deciding the dispute.

7. With the above observations, the writ petition is dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

/ True copy /

Sub Assistant Registrar

Rj

To

The Deputy Registrar of
Co-operative Societies,
Cheyyar (PO) & (TK),
PIN: 604 407.

+ one cc to Mr.P.Anbarasan, Advocate (SR.8087)
+ one cc to Govt. Pleder (SR.8430)

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M.P.No.1 of 2015

MSM(CO)

JK 21/02/15