



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 22.01.2015
CORAM:

THE HONOURABLE MR. JUSTICE B. RAJENDRAN

WEB COPY

W.P. (MD) No. 13175 of 2014
and
M.P. (MD) Nos. 1 and 2 of 2014

R.A. Balamurugan

... Petitioner

Vs.

1. The Registrar of Cooperative Societies
(Housing),
No. 493, Tamil Nadu Housing Board,
Anna Salai, Nandanam,
Chennai-600 035.

2. The Deputy Registrar of Co-operative
Societies (Housing),
O/o. Deputy Registrar of Co-operative
Societies (Housing),
Madurai Region,
Madurai 625 020.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari to call for the records pertaining to the impugned notice issued by the first respondent's vide Na.Ka.No.3984/2014/sa pa 2 dated 16.07.2014 and quash the same and consequently forbearing the respondents from any way interfering with the petitioner's function as President of Madurai Forest Staff and Others Publics Co-operative Housing Society Limited.

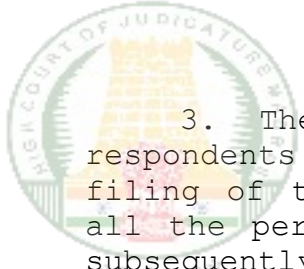
For Petitioner : Mr.D.Shanmugaraja Sethupathi

For Respondents : Mr.K.Chellapandian, AAG.,
assisted by Mr.R.Karthikeyan
Additional Govt. Pleader

O R D E R

The writ petition has been filed by the petitioner challenging the show cause notice issued on the ground that the proceedings under Section 81 has not been completed.

2. Actually, as per the proceedings under which the Secretary was liable to pay the loan amount. Later on, the Secretary himself has paid the entire loan. Therefore, Section 81 notice is pending enquiry. There cannot be a show cause notice calling upon him to vacate the seat especially for any alleged misappropriation. Therefore, he challenges the notice.



3. The learned Additional Advocate General appearing for the respondents brought to the notice of this Court that subsequent to the filing of the writ petition, already 81 enquiry has been completed and all the persons are responsible for the offence have been made out and subsequently, a copy of the 81 enquiry report has also been handed over to the petitioner as well as the Secretary. Therefore, under law, the second stage has already commenced, they are entitled to issue notice and call for explanation and proceed further. The petitioner has also received the final report. Under those circumstances, the learned Additional Advocate General submits that even this notice can be treated as show cause notice. Therefore, the writ petition as such is not maintainable. Even otherwise, the respondents are also prepared to give one more notice to the petitioner because the period given in the notice has already been expired, along with necessary further particulars.

4. Heard both sides.

5. The only grievance of the petitioner is that pending 81 enquiry, he ought not to have issued a show cause notice. But, now the 81 enquiry has already over and the petitioner himself has already received 81 enquiry report on 09.12.2014 and further, the final report finding would reveal that both the Secretary with the assistance of the President has committed the offence. Therefore, it is always open to the respondents to give another fresh show cause notice incorporating the reasons. Since the time granted at that point of time in the show cause notice is over, the show cause notice is not quashed, but only directed the authorities to give further notice for granting time and also giving the reasons.

6. With the above direction, the writ petition stands disposed of. No costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CO)

\\True copy\\

Sub Assistant Registrar

To

1. The Registrar of Cooperative Societies (Housing),
No.493, Tamil Nadu Housing Board, Anna Salai, Nandanam,
Chennai-600 035.
2. The Deputy Registrar of Co-operative Societies (Housing),
O/o. Deputy Registrar of Co-operative Societies (Housing),
Madurai Region, Madurai 625 020.

+1 CC TO M/S.D.SHANMUGARAJA SETHUPATHI, ADVOCATE SR.NO.3298

+1 CC TO THE SPL.GOV'T PLEADE SR.NO.3334

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