

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.03.2016

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THE HON'BLE MR. JUSTICE T.S.SIVAGNANAM

W.P.No.11103 of 2016 and W.M.P.Nos.9649 and 9650 of 2016

G.Rathinam

... Petitioner

Vs.

1. The Deputy Registrar of Co-operative Societies, Rettaimalai Srinivasan Pettai, Thirupattur-635 601, Vellore District,
 2. The Enquiry Officer/under Sec.82 of T.N.C.S.Act, Andiappanur Primary Agricultural Co-operative Society, Thirupattur - 635 601, Vellore District,
 3. The President, Andiappanur Primary Agricultural Cooperative Society, Andiappanur village and Post, Vaniyambadi Taluk, Vellore District.
- ... Respondents

Prayer: Petition filed under Article 226 of The Constitution of India praying to issue a writ of certiorari to call for the records of the 2nd respondent his report dated 5.11.2015 under Section 82 of the Tamil Nadu Co-operative Societies Act, 1983 and quash the same.

For Petitioner : Mr.S.Sairaman

For Respondents: Mr.L.P.Shanmughasundaram,
Spl.Govt. Pleader

O R D E R

The petitioner challenges a report submitted by the Enquiry Officer under Section 81(2) of the Tamil Nadu Cooperative Societies Act, 1983, (in short, the Act').

2. The contention raised by the petitioner is that the report has been submitted well beyond the limitation prescribed

under Rule 104(6)(a) of the Tamil Nadu Cooperative Societies Rules, 1988.

3. As rightly pointed out by the learned Special Government Pleader appearing for the respondents, the time limit within which action to be initiated is in terms of Section 81(4) of the Act, which states that the Enquiry shall be completed within a period of three months from the date of ordering enquiry or for such further period or periods not exceeding three months at a time as the next higher authority may permit, provided that such extended period shall not exceed six months in aggregate. Furthermore, as held by the Honourable Division Bench of this Court in the case of S.V.K.Sahasramam v. The Deputy Registrar of Co-operative Societies and others, (2009(8) MLJ 231), the enquiry is only a fact finding enquiry and it is in public interest in order to find out whether affairs of the Cooperative Society are conducted legally and whether there are any financial improprieties in the matter of conduct of its affairs. Therefore, the question of imparting the principles of natural justice does not arise as there is no decision taken by the Enquiry Officer. In the light of the above this Court cannot interfere with the impugned proceedings at this stage.

4. Hence, the writ petition is dismissed as premature. However, this will not preclude the petitioner from raising all contentions in the proceedings, which may be initiated pursuant to the impugned report. No costs. Consequently, the connected miscellaneous petitions are also dismissed.

Sd/-
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

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To

1. The Deputy Registrar of Co-operative Societies, Rettaimalai Srinivasan Pettai, Thirupattur-635 601, Vellore District,

2. The Enquiry Officer/under Sec.82 of T.N.C.S.Act, Andiappanur Primary Agricultural Co-operative Society, Thirupattur - 635 601, Vellore District,

3. The President,
Andiappanur Primary Agricultural
Cooperative Society,
Andiappanur village and Post,
Vaniyambadi Taluk,
Vellore District.

1 cc to Government Pleader, Sr. 19365
1 cc to M/s. S. Sairaman, Advocate, Sr. 19518
1 cc to M/s.L.Shanmugasundaram, Advocate, Sr. 19278

W.P.No.11103 of 2016

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