

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.03.2016

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.NO.11724 OF 2016
AND WMP NO.10146 OF 2016

N.Sankar

.. Petitioner

Versus

1.The Deputy Registrar of Co-operative Societies
Dharmapuri Circle,
Dharmapuri.

2.The Co-operative Sub Registrar /
Field Officer / Enquiry Officer, Nalampalli,
S-749, Santhapatti Primary Agricultural
Co-operative Credit Society Ltd.,
Santhapatti P.O., Harur Tk,
Dharmapuri District.

3.S.749 Santhapatti Primary Agricultural
Co-operative Credit Society Ltd.,
Rep. By its President
Santhapatti Po, Harur Tk,
Dharmapuri District.

.. Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, forbearing the 2nd respondent from conducting an enquiry in pursuant to the summons dated 17.03.2016 issued against the petitioner to attend an enquiry to be held on 30.03.2016 or any other dates without complying the demand of documents made in the communication dated 24.03.2016 and 26.03.2016 by the petitioner to the respondents.

For Petitioner : Mr.G.Ethirajulu

For Respondent-1 : Ms.T.P.Savitha
Government Advocate

For Respondents 2 : Mr.L.P.Shanmughasundaram
Special Government Pleader

O R D E R

Heard Mr.G.Ethirajulu, learned counsel appearing for the petitioner and Ms.T.P.Savitha, learned Government for the first respondent and Mr.L.P.Shanmughasundaram, learned Special Government Pleader, who accepts notice for the second respondent.

2.By consent, the writ petition is taken up for final disposal at the admission stage itself.

3.The petitioner has filed this writ petition seeking for a mandamus to forbear the second respondent from conducting any enquiry pursuant to the summons dated 17.03.2016 calling upon the petitioner to attend the enquiry today (30.03.2016) without complying with the demand for documents as mentioned in the communication dated 24.03.2016 and 26.03.2016 of the petitioner.

4.It is not in dispute that the petitioner earlier filed a writ petition in W.P.No.7734 of 2016 challenging the proceedings dated 01.02.2016 of the second respondent, which in fact was an internal communication between the second respondent and the Society officials, and the same has been dismissed as withdrawn and 02.03.2016. The petitioner once over again cannot raise any grievance against the said proceedings dated 01.02.2016.

5.The learned counsel for the petitioner submitted that the petitioner has not raised any grievance against the said proceedings. However, the grievance of the petitioner is that in the summons dated 17.03.2016, the petitioner has not only been called upon to appear in person, but also directed to produce the documents, which are in his custody.

6.The petitioner presumes that he should produce the documents mentioned in the proceedings dated 01.02.2016 and it is his case that he has no access to the documents and he is not in possession of the documents. It is to be noted that the summons dated 17.03.2016 is a standard format, which has been adopted. A summons cannot be intervened and the petitioner has to appear before the officer on the appointed date. If the petitioner's case is that he is not in possession of any of the documents, he can very well take such a stand before the second respondent.

7.The learned Special Government Pleader for the second respondent on instructions submitted that the petitioner can always take such a stand before the second respondent, who will consider the same on merits.

8.In the light of the above, the prayer sought for in this writ petition cannot be granted. Accordingly, the writ petition is dismissed with a direction to the petitioner to appear before the second respondent and submit a representation clearly setting out his grievance and he may answer the questions, which are put to him by the second respondent. It is open to the second respondent to proceed in accordance with law. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

TK

To

- 1.The Deputy Registrar of Co-operative Societies
Dharmapuri Circle,
Dharmapuri.
- 2.The Co-operative Sub Registrar /
Field Officer / Enquiry Officer, Nalampalli,
S-749, Santhapatti Primary Agricultural
Co-operative Credit Society Ltd.,
Santhapatti P.O., Harur Tk,
Dharmapuri District.
- 3.S.749 Santhapatti Primary Agricultural
Co-operative Credit Society Ltd.,
Rep. By its President
Santhapatti Po, Harur Tk,
Dharmapuri District.

- 1 cc to M/s. L.P. Shanmugasundaram, Advocate, Sr. 19962
1 cc to Government Pleader, Sr. 20150

W.P.NO.11724 OF 2016

BVR (CO)
kk 15/4