

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 04.04.2016

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.12514 of 2016
and
W.M.P.No.10830 of 2016

G.Rathinam
S/o.Govindasamy

.. 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 Co-operative Society,
Andiappanur Village and Post,
Vaniyambadi Taluk,
Vellore District.

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari calling for the records of the first respondent his notice in Tha.Thi3/15-16 Sa.Pa(3) Na.Ka.No.1138/14 Sa.Pa dated 29.01.2016 under Section 87(1) of the Tamil Nadu Co-operative Societies Act, 1983 and quash the same.

For Petitioner : Mr.S.Sairaman
For Respondents : Mr.L.P.Shanmughasundaram,
Special Government Pleader

O R D E R

By consent, the main Writ Petition itself is taken up for final disposal. Heard Mr.S.Sairaman, learned counsel for the petitioner, Mr.L.P.Shanmughasundaram, learned Special Government Pleader, for respondents.

2. The petitioner is aggrieved by the impugned proceedings dated 29.01.2016 which is a show cause notice issued u/s.87(1) of the Co-operative Societies Act. The petitioner is ready and willing to submit his explanation. For the purpose of submitting his explanation, he requires certain documents and records from the Society and hence, he submitted a representation dated 06.03.2015 seeking copies of those documents. In the representation, the petitioner has sought for the following documents : (1) deposition of KCC borrowers (2) details of loan applications (3) copies of 'A' register and (4) copy of the proceedings by which the enquiry officer was authorised to enquire into the matter. In fact, in the said representation, the petitioner has undertaken to appear for the enquiry and make his submissions after obtaining the aforesaid documents.

3. It appears that there can be no difficulty for the respondents to furnish copies of the depositions, loan applications and the proceedings authorising the enquiry officer to conduct enquiry. However, copy of 'A' register cannot be furnished but the petitioner could be permitted to peruse the same.

4. Learned Special Government Pleader, on instructions, submits that the respondents are ready and willing to furnish the documents sought for by the petitioner except the 'A' Register, but he will be permitted to peruse the same.

5. In the light of the above, the first respondent is directed to adjourn the impugned proceedings and call for the necessary records from the third respondent society and furnish the following documents to the petitioner: (1) deposition of the KCC borrowers (2) loan applications and (3) the proceedings authorising the enquiry officer to conduct enquiry. The petitioner shall be permitted to peruse the 'A' register on the date fixed by the first respondent in the office of the first respondent. The petitioner is at liberty to submit a written objection and present the same for enquiry before the first respondent within a period of ten days of the receipt of the documents and perusal of the 'A' register.

This Writ Petition is disposed of with the above direction.
No costs. Consequently, the connected miscellaneous petition is closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

gm

To

- 1.The Deputy Registrar of Co-operative Societies,
Rettaimalai Srinivasan Pettai,
Thirupattur - 635 601.
Vellore District.
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Andiappanur Village and Post,
Vaniyambadi Taluk,
Vellore District.

+1 cc to Mr.S.Sairaman Advocate sr.21132

+1 cc to Mr.L.P.Shanmugasundaram Advocate sr.21207

सत्यमेव जयते

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