

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 20.04.2016

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.14466 of 2016 &
WMP No.12644 of 2016

C.Udayakumar

[PETITIONER]

Vs

1 The Deputy Registrar of Co-operative Societies
Hosur Circle, Hosur,
Krishnagiri District.

2 K.K.127 Hosur Primary Agricultural
Co-operative Credit Society Ltd.
Rep. by its President
Hosur, Krishnagiri District.

3 The Joint Registrar of Co-op Societies
Krishnagiri Region,
Krishnagiri District.

[RESPONDENTS]

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus to forbear the 3rd respondent from precipitating any penal action under any law for the time being in force in pursuance of his memo Na.Ka.747/2016 Ta Va dated 26.02.2016.

For Petitioner : Mr.S.Venkataraman

For Respondents : Mr.D.Venkatachalam
Govt. Advocate

O R D E R

Heard Mr.S.Venkataraman, learned counsel appearing for the petitioner, Mr.D.Venkatachalam, learned Government Advocate, accepting notice for the respondents and with the consent of the learned counsel on either side, the Writ Petition is taken up for final disposal.

2.The petitioner is working as a Secretary of the second respondent Society, and he has now been faced with proceedings initiated under section 87 of the Tamil Nadu Co-operative Societies Act, as well as the departmental action by the

Society. Aggrieved over the action of the third respondent in recommending for criminal prosecution, he has come forward with this Writ Petition.

3.The learned counsel for the petitioner does not dispute the fact that three proceedings viz. (i) departmental proceedings, (ii) surcharge proceedings and (iii) criminal action, can be initiated simultaneously and the result of one of the proceedings may not have a bearing on the other proceedings. But, the learned counsel would submit that when action was initiated under surcharge proceedings, without following the principles of natural justice, departmental proceedings has also been initiated and hence, the petitioner had filed a writ petition before this Court in W.P.No.30219 of 2015, to forbear the respondents from proceeding with the disciplinary proceedings pursuant to the charge memo dated 10.08.2015, without furnishing the copies of the documents requested by him, by letter dated 03.09.2015. Without going into the merits of the case, the said Writ Petition was disposed of by an order dated 25.09.2015, with a direction to the Deputy Registrar of Co-operative Societies, Hosur to furnish documents referred to by the petitioner in his representation dated 03.09.2015. Therefore, it is stated that until the departmental proceedings initiated against the petitioner and the surcharge proceedings are finalised after complying with the directions issued in the earlier writ petition, the criminal proceedings should not be recommended to be taken up.

4.The contention of the petitioner does not merit acceptance, since initiation of criminal case can have absolutely no bearing on the several issues which are now pending consideration before the first respondent. From the proceedings dated 26.02.2016, of the third respondent, it is seen that he has lodged a complaint before the concerned Police. Thus, the complaint has to be investigated by the investigating Officer and if the petitioner has got any grievance in that regard, there are remedies available to the petitioner under the Code of Criminal Procedure. In the light of the above, the relief sought for by the petitioner cannot be granted.

5.Accordingly, the Writ Petition is dismissed with the above observations. No costs. Consequently, connected Miscellaneous Petition is closed.

r p a

s/d-

Assistant Registrar(CS-VI)

True Copy

Sub-Assistant Registrar

To

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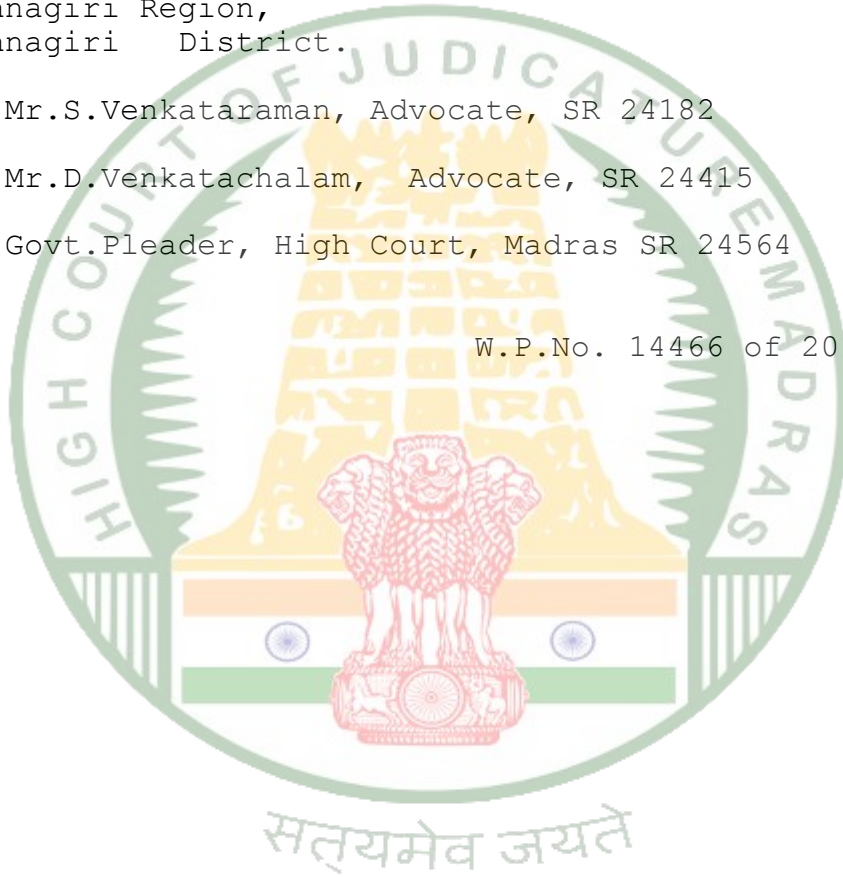
+ 1 cc to Mr.S.Venkataraman, Advocate, SR 24182

+ 1 cc to Mr.D.Venkatachalam, Advocate, SR 24415

+ 1 cc to Govt.Pleader, High Court, Madras SR 24564

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