

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.01.2016

CORAM

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

W.P. No.1622 of 2016 &

WMP No.1376 of 2016

A.Marimuthu

[PETITIONER]

Vs

1 The Deputy Registrar Co-Op Societies
Nagapattinam Circle, Nagapattinam
Nagapattinam District.

2. M.Rajendran

[RESPONDENTS]

PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue Writ of certiorari, to call for the entire records relating to the impugned order passed by the first respondent in his proceedings Na.Ka.No.5/2015/Ku.Na, dated 04.01.2015 (wrongly typed as 04.01.2016) and quash the same.

For Petitioner : Mr.C.Prakasam

For Respondents : Mr.L.P.Shanmuga Sundaram -R1
Spl.Govt. Pleader

सत्यमेव जयते
O R D E R

Heard Mr.C.Prakasam, learned Counsel appearing for the petitioner & Mr.L.P.Shanmuga Sundaram, learned Special Government Pleader accepting notice for the first respondent and with their consent the Writ Petition is taken up for final disposal.

2.The petitioner is aggrieved by the impugned proceedings dated 04.01.2015, on the ground that the same has been passed without following the directions issued by this Court in the earlier Writ Petition in W.P.No.28830 of 2015. In the said Writ Petition, the petitioner sought for a direction to consider his representation on merits and in accordance with law. This Court

by an order dated 24.11.2015, disposed of the Writ Petition by issuing the following directions:

"4.In the light of the above, without going into the merits of the allegations made by the petitioner as against the 2nd respondent, there will be a direction to the 1st respondent to consider the petitioner's representation dated ----- after notice to the petitioner and the 2nd respondent and pass appropriate orders within a period of two weeks from the date of receipt of a copy of this order. Till the orders are passed on the representation, the 2nd respondent shall not be permitted to take charge as a Director of the said Society.

5.The Writ Petition is disposed of accordingly. No costs."

In terms of the above direction, the first respondent was required to consider the petitioner's representation after notice to the petitioner and the second respondent

3.From a perusal of the impugned proceedings, it is seen that though the first respondent has received the copy of the order passed by this Court and is aware of the directions, yet did not comply with the same, however, passed the impugned order without notice to the petitioner. Further, from the impugned order it is seen that the first respondent has obtained a report from the Co-operative Sub-Registrar dated 04.01.2016, copy of which is not furnished to the petitioner. Therefore, the impugned order is liable to be set aside on that ground.

4.Since this Writ Petition is disposed of without notice to the second respondent, this Court is not inclined to quash the impugned order at this juncture, but the impugned order should be treated as if it is a show cause notice for an enquiry to be conducted. This is moreso because the petitioner has given another representation on 07.01.2016 to the first respondent.

5.Accordingly, the matter is remanded to the first respondent, who shall issue notice to the petitioner and second respondent, consider the petitioner's objections as well as his further representation dated 07.01.2016 and after conducting enquiry, pass orders on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. Since the Secretary of the Society is not a party, the first respondent shall issue notice to the Secretary of the Thiruvidadaimarudhur Primary Agricultural Co-Op. Credit Society and then take a final decision.

The Writ Petition is disposed of on the above terms. No costs.

sd/-
Assistant Registrar (CO)

/TRUE COPY/

Sub-Assistant Registrar

rpa

To

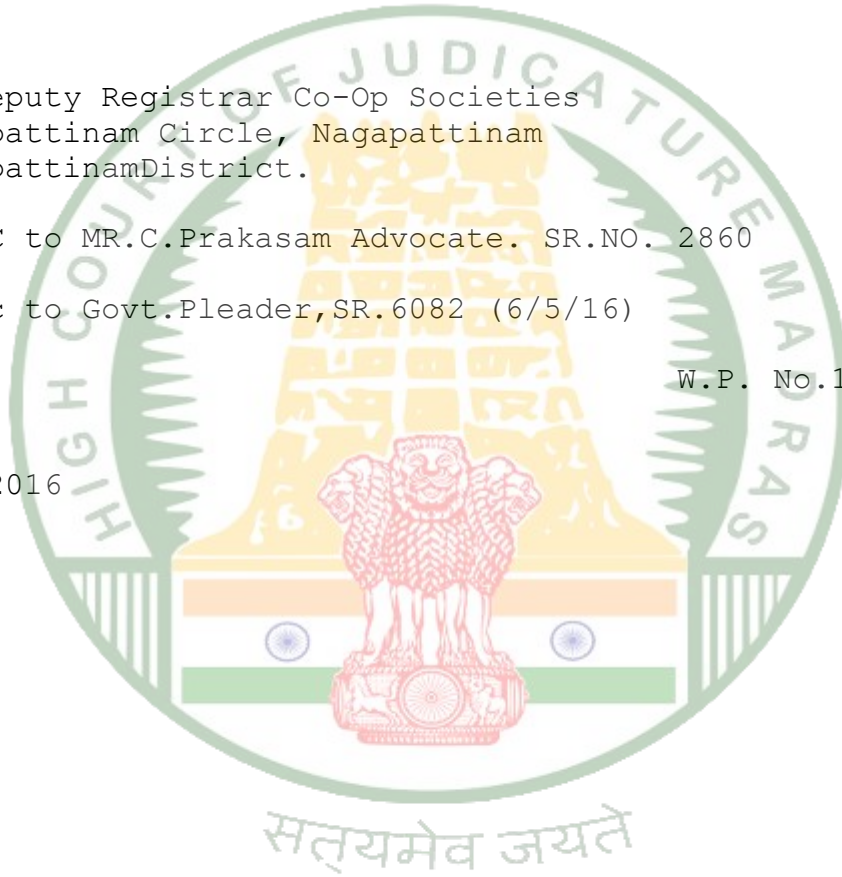
1 The Deputy Registrar Co-Op Societies
Nagapattinam Circle, Nagapattinam
Nagapattinam District.

+1 CC to MR.C.Prakasam Advocate. SR.NO. 2860

+1 cc to Govt.Pleader, SR.6082 (6/5/16)

W.P. No.1622 of 2016

CO-AD
JD 25/01/2016



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