

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.01.2016

CORAM

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

W.P. No.40819 of 2015

M.Perumal

... Petitioner

Vs

1. The Registrar of Cooperative Societies
Kilpauk, Chennai - 600 010.
 2. The Deputy Registrar of Cooperative Societies
Behind District Collectorate
Dharmapuri - 636 705
 3. Erranahalli Primary Agricultural
Cooperative Credit Society
Erranahalli Village & Post
Rep by its President
Palacode Taluk,
Dharmapuri District - 636 808.
- Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue Writ of Mandamus to direct respondents herein to furnish the copy of the enquiry reports submitted pursuant to the orders of the 2nd respondent dated 15.06.2010 bearing Ref. Na. Ka.No. 3617/2010/E-1 and dated 25.02.2014 bearing Ref. No. Na.Ka. No. 707/2014/Tho.Se I to the petitioner herein.

For Petitioner : Mr.Bharatha Chakravarthy
For M/s Sai Bharath and Ilan

For Respondents : Mr.L.P.Shanmuga Sundaram
Special Government Pleader

O R D E R

Heard Mr.Bharatha Chakravarthy, learned Counsel appearing for the petitioners and Mr.L.P.Shanmuga Sundaram, learned Special Government Pleader accepting notice for the respondents and with their consent the Writ Petition is taken up for final disposal.

2.The petitioner seeks for a direction to the respondents to furnish the copies of the enquiry reports submitted by the second respondent dated 15.6.2010 and 25.02.2014.

3.The petitioner is employed as the Secretary of the third respondent Society and earlier two enquiries were conducted under section 81 of the Tamil Nadu Co-operative Societies Act, 1983 and reports have been submitted by the second respondent on 15.6.2010 and 25.02.2014.

4.The second respondent has now commenced a third enquiry under section 81 of the Act. In order to defend himself, the petitioner now seeks for the copies of the enquiry reports dated 15.6.2010 and 25.02.2014, so as to place the same before the enquiry officer in the third enquiry, which is now to be commenced.

5.The learned Special Government Pleader appearing for the respondents submitted that those two enquiry reports were on different cause of action and there is no bearing on the present enquiry, which is to commence.

6.However, the case of the petitioner is that certain charges are overlapping.

7.Since the petitioner has been summoned to appear for the third enquiry, it would be appropriate for the respondents to furnish copies of the earlier enquiry reports dated 15.6.2010 and 25.02.2014. At this stage of the matter, this Court is not inclined to make any observations as regards the bearing of those enquiry reports on the present enquiry. However, in order to ensure that principles of natural justice are complied with, the second respondent should furnish copies of the earlier enquiry reports. The learned Special Government Pleader on instructions submitted that sufficient time may be given to furnish copies and the petitioner may be directed to co-operate in the enquiry which is now to commence.

8. Taking into consideration of the facts and circumstances of the case and the submissions made on either side, there will be a direction to the second respondent to furnish the copies of the enquiry reports dated 15.6.2010 and 25.02.2014 to the petitioner, within a period of two weeks from the date of receipt of a copy of this order, by considering the petitioner's representation dated 25.11.2015. After furnishing the copies thereof, the second respondent is directed to proceed further pursuant to the notice of enquiry dated 7.10.2015 and the petitioner shall co-operate in the enquiry proceedings.

The Writ Petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

rpa

To

1. The Registrar of Cooperative Societies
Kilpauk, Chennai - 600 010.
2. The Deputy Registrar of Cooperative Societies
Behind District Collectorate
Dharmapuri - 636 705
3. The President
Erranahalli Primary Agricultural
Cooperative Credit Society
Erranahalli Village & Post
Palacode Taluk,
Dharmapuri District - 636 808.

+1cc to M/s.Sai Bharath and Ilan, Advocate, S.R.No.191

+1cc to Mr.L.P.Shanmuga Sundaram, Advocate, S.R.No.98

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KSJ(CO)

CA(12/01/2016)