

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13-07-2016

CORAM

THE HONOURABLE MR. JUSTICE N.KIRUBAKARAN

WRIT PETITION No.23838 of 2016
and
WMP No.20454 of 2016

C.Baladhandapani

.. Petitioner

Vs.

1.The Deputy Registrar of
Co-op. Societies,
Dharapuram Circle,
Dharapuram.

2.The Management,
C.E. 17, Dharapuram General Employees
Co-operative Credit Society,
Dharapuram,
Dharapuram District.

.. Respondents

Writ Petition is filed under Article 226 of Constitution of India praying for the issuance of a Writ of Certiorari, calling for the records relating to the order dated 27.6.2016 made in Na.Ka.1097/2016/sapa on the file of the first respondent herein and quash the same.

For Petitioner : Mr.C.Munusamy

For Respondents: Mrs.T.P.Savitha,
Government Advocate (Co-op.)

O R D E R

The petitioner was elected as one of the Administrative Committee Members of the second respondent-Society in the year 2011 and thereafter, he was elected as President. On 23.5.2016, a show cause notice was issued under Section 87 of the Tamil Nadu Co-operative Societies Act, 1983 (hereinafter referred to as the 'Act') show causing as to why Rs.48,325/- should not be levied on him. In this regard, the petitioner gave a representation on 13.6.2016 to the first respondent, seeking a report filed under Section 82 of the Act. Without taking into account the said representation, the impugned notice dated 27.6.2016 has been issued, calling upon the petitioner to appear for the enquiry.

2. Heard Mr.C.Munusamy, learned counsel appearing for the petitioner and Mrs.T.P.Savitha, learned Government Advocate (Co-op.) appearing for the respondents.

3. For the show cause notice issued under Section 87 of the Act, the petitioner already gave representation calling upon the first respondent to furnish the report filed under Section 82 of the Act, so as to give him proper reply.

4. Without passing any orders or without furnishing the documents called for in the representation of the petitioner dated 13.6.2016, the first respondent cannot issue the impugned order. Therefore, the impugned order is set aside. It is open to the first respondent to pass appropriate orders on the representation of the petitioner dated 13.6.2016 and thereafter taking a decision regarding further proceedings.

5. The writ petition is allowed on the above terms. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

Svn.

To

1.The Deputy Registrar of Co-op. Societies,
Dharapuram Circle,
Dharapuram.

2.The Management,
C.E. 17, Dharapuram General Employees
Co-operative Credit Society,
Dharapuram,
Dharapuram District.

+1cc to Mr.C. Munusamy, Advocate, S.R.No.39026
+1cc to Mr.T.P. Savitha, Advocate, S.R.No.39188
+1cc to the Government Pleader, S.R.No.39349

VS (CO)
EU (27/07/2016)

WP No.23838 of 2016