

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.07.2016

CORAM

THE HONOURABLE MR.JUSTICE B.RAJENDRAN

W.P.No.26312 of 2013

P.Chandran

... Petitioner

Vs.

- 1.The Deputy Registrar of Coop. Societies,
Villupuram Circle, Villupuram,
Villupuram District.
- 2.Villupuram District Central Coop. Bank Ltd.,
Rep. By its Managing Director,
2, Hospital Road,
Villupuram.
- 3.The President,
E-2028 Kandamanadi Primary Agricultural
Coop. Credit Society,
Kandamanadi Village and Post,
Villupuram Taluk & District.
(R2 & R3 impleaded vide order 1/12/14
in M.P.1/14 & dt. 4.7.16 passed in
WMP.No.9696/16 in W.P.No.26312/13) respectively ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorari to call for the entire records relating to the impugned order passed by the respondent in his proceedings Na.Ka.No.3156/2012/PACB, dated 08.08.2013 and quash the same.

For petitioner	: Mr.C.Prakasam
For R1	: Mr.L.P.Shanmugasundaran, Spl.GP
For R2	: Mr.R.Arumugam

ORDER

The only grievance of the petitioner is that the present Enquiry Officer appointed to conduct the enquiry proceedings under Section 81 of the Tamil Nadu Cooperative Societies Act is the fourth Enquiry Officer. According to him, since the earlier three Enquiry Officers have submitted report in favour of the petitioner, the respondent department appointed the present Enquiry Officer so as to get an order in their favour.

2. According to the learned Special Government Pleader appearing for the first respondent, no Enquiry Officers submitted their report on the enquiry proceedings conducted by them against the petitioner and therefore, the present Enquiry Officer was appointed only in accordance with law. He further stated that if the Court feel so, a new Enquiry Officer can be appointed. Regarding cross-examination of witnesses, learned counsel has also cited a judgment of this Court in the case of D.Sathyamoorthy v. The Deputy Registrar of Cooperative Societies, Uthakamandalam (2014 (2) CWC 615).

3. Heard both sides.

4. Taking note of the pendency of the enquiry proceedings initiated under Section 81 of the Act which is a fact finding enquiry and taking note of further fact that the three previous Enquiry Officers appointed by the respondent department did not file their report and by taking note of the so-called allegation made by the petitioner, this Court deems fit to direct the respondent department to appoint a new Enquiry Officer. Accordingly, the Joint Registrar of Cooperative Societies, Villupuram, is directed to appoint the new Enquiry Officer in accordance with law, within a period of 15 days from the date of receipt of a copy of this order and the new Enquiry Officer so appointed is directed to submit the Enquiry Report in a manner known to law within a period of three months thereafter. The petitioner is directed to cooperate with the new Enquiry Officer so as to complete the enquiry proceedings within such time.

5. With the above directions, the writ petition stands disposed of. No Costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

rkm

To

1.The Deputy Registrar of Coop. Societies,
Villupuram Circle, Villupuram,
Villupuram District.

2.Villupuram District Central Coop. Bank Ltd.,
Rep. By its Managing Director,
2, Hospital Road,
Villupuram.

3.The President,
E-2028 Kandamanadi Primary Agricultural
Coop. Credit Society,
Kandamanadi Village and Post,
Villupuram Taluk & District.

4.The Joint Registrar of Coop. Societies,
Villupuram Circle, Villupuram,
Villupuram District.

+1cc to M/S L.P.Shanmugasundaran, Special Government Pleader Sr.37631
+1cc to M/S C.Prakasam, Advocate Sr.37626
+1cc to Government Pleader Sr.37671

W.P.No.26312 of 2013

RJ(CO)
RVR 27/07/2016



WEB COPY