

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.02.2016

CORAM

THE HON'BLE Mr. JUSTICE T.S.SIVAGNANAM

W.P.No.3617 of 2016

M.Nehru [PETITIONER]

President of the K.K. 260 Thonganoor primary
Agricultural Co-operative Credit Society Ltd

Vs

1 The Joint Registrar of Co-operative Societies
Dharmapuri Region,
Dharmapuri District

2 The Deputy Registrar of Co-operative Societies
Dharmapuri Circle,
Dharmapuri District.

3 C.Murugan

4 T.Murugan

5 C.Indumathi [RESPONDENTS]

Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the Respondents 1 and 2 herein to refer the matter to Commercial Crime Investigation Wing for taking criminal action against the Respondents 3 to 5 herein as employees of the Petitioner Co-operative Credit Society for their criminal acts of misappropriation of funds, cheating, willful negligence and criminal breach of trust, as recommended by the Special Investigation Squad in the statutory enquiry reports dated 12.03.2015 and 28.08.2015 conducted under Sec. 81 of the Tamil Nadu Co-operative Societies Act 1983 as per the representation of the Petitioner Co-operative Credit Society dated 15.10.2015.

For Petitioner .. Mr.N.Thiagarajan

For Respondents .. Mr.Bala Ramesh- R1 & R2
Addl.Govt.Pleader

O R D E R

With the consent of the learned counsel on either side, the writ petition is taken up for final disposal.

2. Heard Mr.N.Thiagarajan, learned Counsel appearing for the petitioner and Mr.R.Bala Ramesh, learned Additional Government Pleader appearing for the respondents 1 & 2.

3. Petitioner is the President of K.K.260 Thonganoor Primary Agricultural Co-operative Credit Society Ltd., and has come forward with this Writ Petition to direct the second respondent to initiate criminal action against the respondents 3 to 5, who are the Secretary and employees of the Society, based on the reports submitted by the second respondent dated 12.03.2015 and 28.08.2015, which were filed under section 81 of the Tamil Nadu Co-operative Societies act, 1983, by referring the matter to the Commercial Crime Investigation Wing.

4. Since this Writ Petition is disposed of at the admission stage, without notice to the respondents 3 to 5, the merits of the allegations made by the petitioner are not gone into and leave it open to the second respondent to consider.

5. In any event, there are two reports submitted by the second respondent under section 81 of the Act dated 12.3.2015 and 28.08.2015 and it appears that no further steps have been taken pursuant to the reports, which prima facie shows that there are serious allegations against the respondents 3 to 5.

6. Faced with this situation, the learned Additional Government Pleader submits that under normal circumstances further proceedings are required to be initiated under section 87 of the Act. However, he does not have any instruction as to the steps taken by the second respondent pursuant to those two reports under section 81 of the Act. However, the learned Additional Government Pleader submits that the second respondent may be directed to consider the petitioner's representation dated 15.10.2015.

7. In the light of the above, petitioner is directed to enclose a copy of the earlier representations and submit a fresh representation along with the copy of this order to the first respondent, and on receipt of the same, the first respondent is directed to consider the same and after notice to the petitioner as well as to the respondents 3 to 5, pass appropriate orders on merits and in accordance with law, within a period of six weeks from the date of receipt of the representation.

The Writ Petition is disposed of accordingly. No costs.

Sd/-
Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

rpa

To

- 1 The Joint Registrar of Co-operative Societies
Dharmapuri Region,
Dharmapuri District
- 2 The Deputy Registrar of Co-operative Societies
Dharmapuri Circle,
Dharmapuri District.

- 1 cc to M/s.N. Thiagarajan, Advocate, Sr. 6238
1 cc to Government Pleader, Sr. 6560

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MP (CO)
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