

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 03.02.2016

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.3904 of 2016

M.Perumal

.. Petitioner

Versus

1. The Registrar of Co-operative Societies,
Kilpauk, Chennai-600 010
 - 2 Deputy Registrar of Co-operative Societies (AC) Office of the Deputy Registrar of Co-operative Societies Dharmapur Circle Collectorate Complex Dharmapuri-5.
 - 3 The Enquiry Officer/ Sub Registrar of Co-operative/Field officer Pennagaram Erranna Halli Primary Agricultural co-operative Credit Society Palacode Tk Dharmapuri District.
- .. Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a writ of mandamus, directing the respondents to furnish the documents sought by the petitioner by considering his representation dated 10.12.2015, 01.01.2016, 20.01.2016 & 22.01.2016 and enabling the petitioner to participate in the 81 enquiry.

For Petitioner : Mr.R.Marudhachalamurthy

For Respondents : Mr.Bala Ramesh (for R1 to R3)
Additional Government Pleader.

O R D E R

Heard Mr.R.Marudhachalamurthy, learned counsel for the petitioner and Mr.Bala Ramesh, learned Additional Government Pleader, after accepting notice on behalf of the respondents and with the consent on either side, the writ petition is taken up for final disposal.

2. It is the second time, the petitioner is before this Court virtually for an identical relief. Earlier the petitioner has filed a writ petition in W.P.No.40819 of 2015, for issuance of a direction to furnish the copy of the enquiry reports submitted pursuant to the orders of the 2nd respondent dated 15.06.2010 and 25.02.2014. After hearing the learned Special Government Pleader for the respondents, the said writ petition was disposed of by an order dated 04.01.2016. The operative portion of the order reads as follows:

"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 15.06.2010 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 07.10.2015 and the petitioner shall co-operate in the enquiry proceedings."

3. According to the petitioner, the copies of certain documents have been furnished, but, it does not contain the report, which was directed to be furnished by this Court in the above mentioned order.

4. Unfortunately, the petitioner has not enclosed the said document, by which the records were furnished to the petitioner and therefore, this Court is unable to examine as to what are all the documents furnished? and whether, it is in compliance of the earlier directions. Having not placed the document for consideration, this Court cannot grant any relief to the petitioner. However, it is to be pointed out that the present proceedings which is sought to be initiated is only an enquiry under Section 81 of the Tamilnadu Co-operative Societies Act, 1983. Therefore, the petitioner has to appear before the authority and during the course of enquiry, it is always open to the petitioner to request the authority for perusal of certain reports. Since, the petitioner would state that for the very same allegations an earlier enquiry was effected and charges were found to be not substantiated, there shall be a direction to the petitioner to appear before the 2nd respondent and to raise all contentions and if petitioner seeks for perusal of certain reports and documents, the 2nd respondent shall provide for the same and then proceed with the enquiry.

5. The writ petition is disposed of, accordingly. No costs.

Sd/-
Assistant Registrar(V)

//True Copy//

Sub Assistant Registrar

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To

1. The Registrar of Co-operative Societies,
Kilpauk, Chennai-600 010

2 Deputy Registrar of
Co-operative Societies (AC) Office of the
Deputy Registrar of Co-operative Societies
Dharmapur Circle Collectorate Complex
Dharmapuri-5.

3 The Enquiry Officer/ Sub
Registrar of Co-operative/Field officer
Pennagaram Erranna Halli Primary
Agricultural co-operative Credit Society
Palacode Tk Dharmapuri District.

+ 1 cc to Mr.R. Marudhachalamurthy, Advocate Sr.6982

+ 1 cc to M/s. Government Advocate Sr.7371

W.P.No.3904 of 2016

CNR(CO)
Eu 09.02.16

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