

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.02.2016

CORAM

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

W.P. Nos.4180 & 4181 of 2016
and
WMP Nos.3496 & 3497 of 2016

1. K.Chellammal Petitioner in W.P.No.4180/16
2. S.Kamaraj Petitioner in W.P.No.4181/16

Vs

1. The Joint Registrar of Co-operative Societies
Erode Region, Erode.
2. Modakurichi Circle Teachers and Public Servants
Co-operative Thrift and Credit Society Ltd
Modakurichi
Erode District.
rep. by its President Respondents in both the W.Ps.

Writ petitions filed under Article 226 of the Constitution of India praying for a Writ of Certiorari to call for the records relating to the impugned Notice in Rc.No.8011/ 2015 Sa.pa dated 29.10.2015 on the file of the 1st respondent and quash the same.

For Petitioners : Mr.R.Jeyaram

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

C O M M O N O R D E R

Heard Mr.R.Jeyaram, learned counsel for the petitioners and Mr.L.P.Shanmuga Sundaram, learned Special Government Pleader accepting for the respondents and with their consent, the Writ Petitions are taken up for final disposal.

2.The petitioners have challenged the notice issued by the first respondent under section 36 of the Tamil nadu Co-operative Societies Act.

3.The learned counsel for the petitioners submitted that the notice is unsustainable, since the pre-requisite condition for initiating action under section 36 of the Act have not been followed, further there is no enquiry as contemplated under section 80 of the Act; no inspection under section 81 of the Act and there is also no investigation as provided under section 82 of the Act.

4.All these issues can very well be raised by the petitioners by submitting their reply. The Notice impugned in these writ petitions have not only been issued to the petitioners herein, but, the same has been issued to ten persons, in October, 2015 and the petitioners have approached this Court at this juncture without submitting a reply.

5.On the grounds raised by the petitioners, this Court is not inclined to set aside the impugned notice, however, the petitioners are entitled to raise all their contentions in their reply to the first respondent and on receipt of the same, the first respondent shall consider the legal submissions made by the petitioners and proceed in accordance with law.

6.After this Court expressed the above opinion, the learned counsel for the petitioners submitted that the petitioners may be granted time to submit their reply to the impugned notice.

7.Accordingly, while rejecting the prayer sought for by the petitioners in these writ petitions to quash the notice, liberty is granted to the petitioners to submit their reply to the notice, within a period of thirty days from the date of receipt of a copy of this order and thereafter, the first respondent shall consider the same and pass appropriate orders on merits and in accordance with law.

The Writ Petitions are dismissed with the above observations. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

rpa

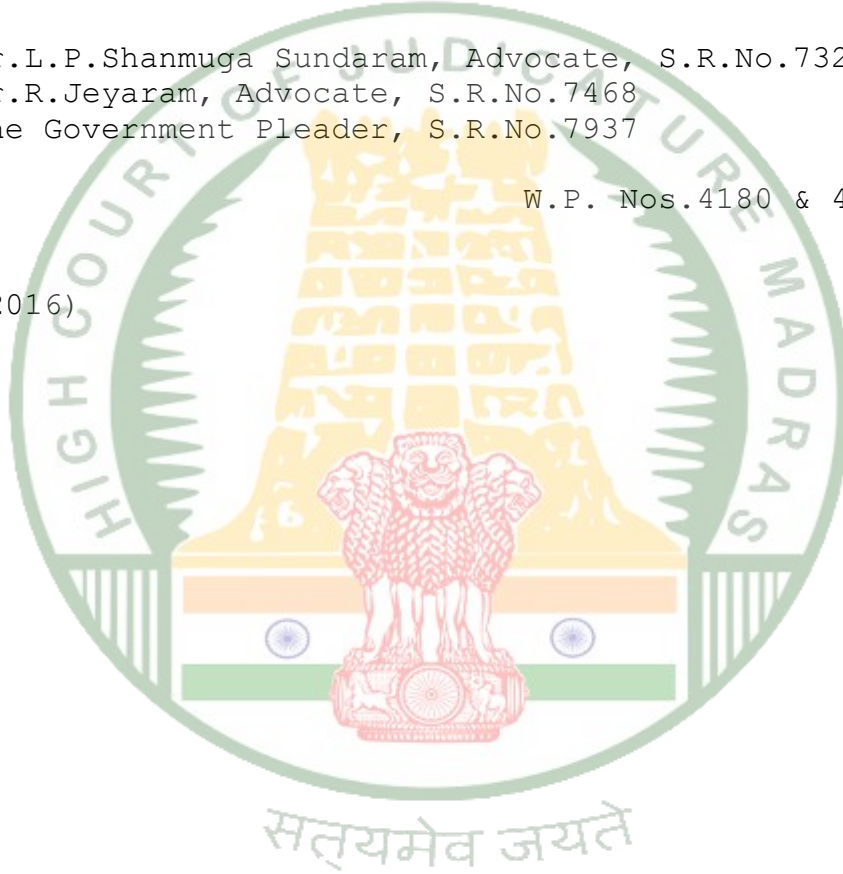
To

1. The Joint Registrar of Co-operative Societies
Erode Region, Erode.
2. The President,
Modakurichi Circle Teachers and Public Servants
Co-operative Thrift and Credit Society Ltd
Modakurichi
Erode District.

+1cc to Mr.L.P.Shanmuga Sundaram, Advocate, S.R.No.7329
+1cc to Mr.R.Jeyaram, Advocate, S.R.No.7468
+1cc to the Government Pleader, S.R.No.7937

W.P. Nos.4180 & 4181 of 2016

CA(CO)
CA(17/02/2016)



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