

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.12.2016

CORAM:

THE HON'BLE MR. JUSTICE T.RAJA

W.P.No.42161 of 2016

D.Radhakrishnan

.. Petitioner

Vs

- 1.The Joint Registrar of Co-operative Societies,
Perambalur Region,
Perambalur Town,
Perambalur District.
- 2.The Deputy Registrar of Cooperative Societies,
Perambalur Circle,
Perambalur Town,
Perambalur District.
- 3.The Cooperative Sub Registrar,
No Confidence Motion Enquiry Officer,
R-413, Ogalur Primary Agricultural
Co-operative Credit Society,
Ogalur Village and Post,
Kunnam Taluk, Perambalur District. ... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorari to call for the records of the second respondent in his proceedings under Section 87(1) of the Tamil Nadu Co-operative Societies Act, 1983, bearing Na.Ka.473/2015Sa.Pa., dated 13.10.2016 (served on the petitioner on 05.11.2016) and quash the same.

For petitioner : Mr.G.Ilamurugu
For Respondents : Mr.V.Selvaraj, AGP

WEB COPY
O R D E R

By way of filing this writ petition, the petitioner seeks to quash the impugned surcharge proceedings dated 13.10.2016 initiated against him by the second respondent / the Deputy Registrar of Cooperative Societies, Perambalur, under Section 87(1) of the Tamil Nadu Co-operative Societies Act, 1983.

2. It is seen that though the enquiry was held on 24.08.2016, the petitioner did not appear before the same,

however, he has filed a written statement on 23.08.2016, just one day before the date of enquiry. In the said written statement, he did not ask for any further date to appear before the Enquiry Officer. It is stated by the learned counsel for the petitioner that since the petitioner has visited his son's bride house on the said date seeking alliance, he was unable to appear. However, nowhere in the written statement, the petitioner has asked for postponing the enquiry.

3. Be that as it may, now the final order has been passed by the second respondent. Therefore, the petitioner has to work out his remedy by approaching the appellate authority under Section 152 of the Tamil Nadu Co-operative Societies Act, 1983.

4. Thus, without going into the merits of the matter, the writ petition is disposed of with a direction to the petitioner to file an appeal before the Appellate Authority under Section 152 of the Tamil Nadu Co-operative Societies Act, 1983, and if any such appeal is filed, the Appellate Authority is directed to consider the same on merits and in accordance with law. No Costs. WMP.No.36069 of 2016 is closed. The Registry is directed to return the original impugned order to the learned counsel for the petitioner.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

rkm

To

1.The Joint Registrar of Co-operative Societies,
Perambalur Region,
Perambalur Town,
Perambalur District.

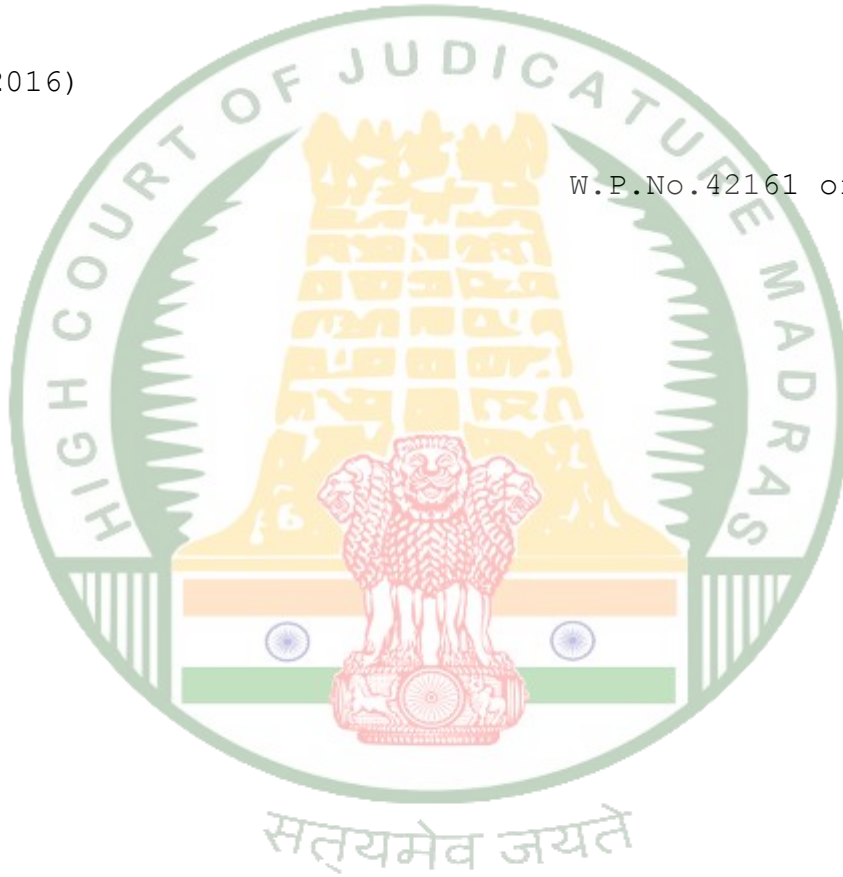
2.The Deputy Registrar of Cooperative Societies,
Perambalur Circle,
Perambalur Town,
Perambalur District.

3.The Cooperative Sub Registrar,
No Confidence Motion Enquiry Officer,
R-413, Ogalur Primary Agricultural
Co-operative Credit Society,
Ogalur Village and Post,
Kunnam Taluk, Perambalur District.

+lcc to Mr.G. Ilamurau, Advocate, S.R.No.72412
+lcc to the Government Pleader, S.R.No.72635

pa(CO)
md(22/12/2016)

W.P.No.42161 of 2016



WEB COPY