

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.02.2016

CORAM

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

W.P.No.4925 of 2016
and
W.M.P.No.4271 of 2016

Natesa.Thamizharvan
President
Needamangalam Taluk
Co-op.Housing Society Ltd.,
Vadaku Street,Olimathi Post,
Needamangalam Taluk,
Thiruvarur District. ... Petitioner

Vs

- 1.The Registrar (Housing)
Office of the Registrar of Co-Op Societies (Housing)
2nd Floor Annexe, Tamil Nadu Housing Board Building,
Anna Salai, Nandanam,
Chennai - 35.
- 2.The Regional Joint Registrar (Housing)
Office of the Joint Registrar (Housing)
Thanjavur - 613 007. ... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the 2nd respondent to furnish the petitioner the copies of relevant records related to the enquiry report of the Sub-Registrar/Enquiry Officer dated 19.06.2015 in the enquiry u/s 81 of Tamil Nadu Co-op.Societies Act, 1983 as sought by the petitioner in his representation dated 22.01.2016 sent to the 2nd respondent.

For Petitioner : Mr.V.Jeevagiridharan

For Respondents : Mr.D.Venkatachalam
Government Advocate

ORDER

Heard the learned counsel for the petitioner and Mr.D.Venkatachalam, learned Government Advocate accepting notice on behalf of the respondents and with their consent, this writ petition is taken up for final disposal at the admission stage.

2 The petitioner has come forward with this writ petition seeking for a direction to the 2nd respondent to furnish the copies of the relevant records relating to the enquiry report of the Enquiry Officer dated 19.06.2015, as sought for by him in his representation dated 22.01.2016 to the 2nd respondent.

3 Earlier, the petitioner had filed a writ petition before this Court in WP.No.31741/2015 to direct the 1st respondent herein to furnish the petitioner, copies of the relevant records and statements of the witnesses relating to the enquiry conducted by the Sub Registrar u/s.81 of the Tamil Nadu Cooperative Societies Act, 1983, based on which a report was submitted on 19.06.2015. The said writ petition was disposed of by this Court by order dated 08.10.2015. The operative portion of the said order reads thus:-

"4.Pursuant to the order passed by this Court on 27.08.2015, no doubt, the respondents furnished the Enquiry Report. The only grievance of the petitioner is that the documents and the statements relied upon in the said Report have not been furnished. Considering the statement made by Mr.R.Bala Ramesh, learned Additional Government Pleader, it is proper to direct the petitioner to inspect all the documents and go through the statements relied upon in the Report within 10 days from the date of receipt of a copy of this order. The petitioner is directed to give reply to the show cause notice dated 05.08.2015. After receipt of the reply within 10 days, the respondent is directed to conduct enquiry and pass appropriate orders within eight weeks thereafter. The petitioner is also directed to cooperate with the respondent for disposal of the matter. The respondent shall make available all the documents and statements for inspection by the petitioner.

The writ petition is disposed of with the above direction. No costs. Consequently, connected miscellaneous petition is closed."

4 Learned Government Advocate submitted that the direction issued by this Court has been strictly complied with and the relevant documents have been furnished to the petitioner and he has also perused the same. However, it is seen that the petitioner has given a reply in which the petitioner has requested for furnishing copies of five documents, viz.,

- [1] சம்பள பதிவேடு [2] தினப்பேடு (தினப்பேரேடு)
[3] இ.பி.எப் பதிவேடு [4] ரொக்க ரசீது புத்தகம்
[5] பி.சங்கரன் (த.க.ப) பெயர் பணி பதிவேடு

5 It may be true that the petitioner has been afforded an opportunity to peruse the records earlier. But the above referred records now sought for by the petitioner appears to be the Registers maintained by the Cooperative Society for all its employees. Therefore, one more opportunity can be granted to the petitioner to peruse those records. Though the petitioner has sought for copies of those records, copies cannot be furnished and the petitioner would be entitled to peruse the same in the presence of an officer in the Office of the 2nd respondent and he may also be directed to take notes. Thereafter, the petitioner shall submit his explanation.

6 Accordingly, the petitioner is permitted to peruse the documents which he has now sought for, within a period of two weeks from the date of receipt of a copy of this order and on perusal of the same, he is granted a further period of two weeks thereafter to submit his explanation/representation.

7 The writ petition is disposed of with the above direction. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

AP

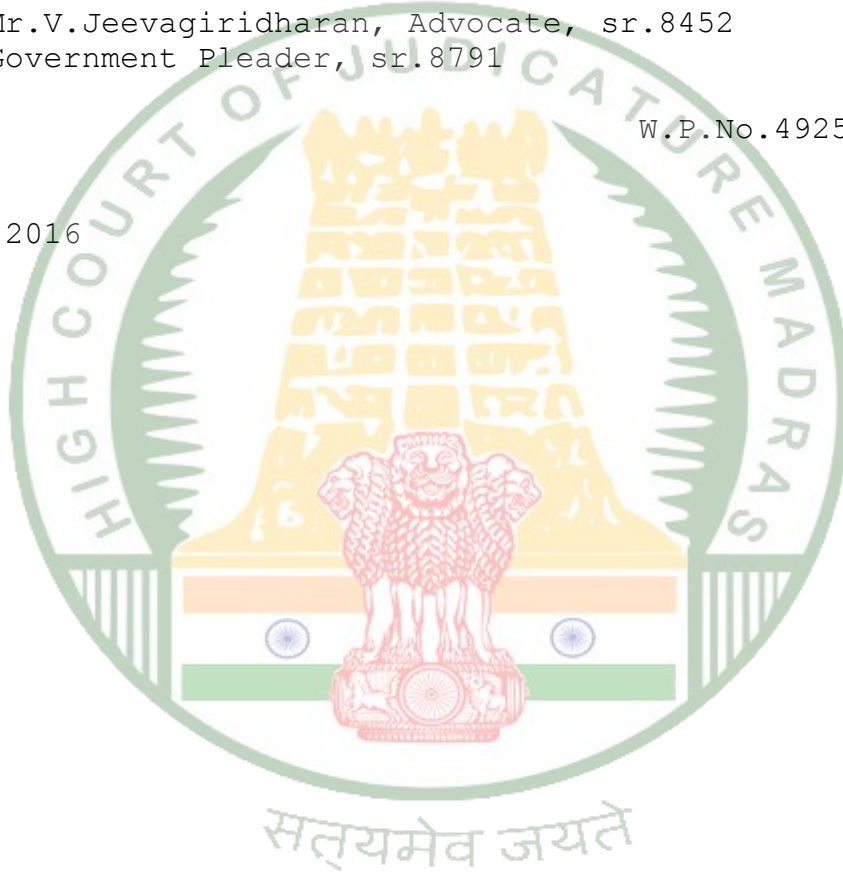
To:

- 1.The Registrar (Housing)
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2nd Floor Annexe, Tamil Nadu Housing Board Building,
Anna Salai, Nandanam,
Chennai - 35.
- 2.The Regional Joint Registrar (Housing)
Office of the Joint Registrar (Housing)
Thanjavur - 613 007.

+1 cc to Mr.V.Jeevagiridharan, Advocate, sr.8452
+1 cc to Government Pleader, sr.8791

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kra 19.02.2016



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