

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 18.02.2016

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.6018 of 2016

and

WMP No.5338 of 2016

Ramesh

.. Petitioner

Versus

The Deputy Registrar of Co-operative Society,
Tirupathur,
Vellore District - 635 601

.. Respondent

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a writ of certiorari, to call for the records on the file of the respondent in Tha.Thee.1/2015-2016 SA.PA. dt. 3.2.2016 and quash the same.

For Petitioner : Mr.S.Sairaman

For Respondent : Mr.D.Venkatachalam
Government Advocate

O R D E R

Heard Mr.S.Sairaman, learned counsel appearing for the petitioner and Mr.D.Venkatachalam, learned Government Advocate, after accepting notice on behalf of the respondent. By consent of the learned counsel on either side, the writ petition is taken up for final disposal.

2. The petitioner has challenged the impugned proceedings, which is a notice issued to the petitioner under Section 87(1) of the Tamilnadu Co-operative Societies Act, 1983. The petitioner would state that the respondent having not furnished the copy of the report filed under Section 81 of the Act, inspite of several requests, has now issued the impugned notice and has also stated that if the petitioner does not appear before the respondent on the date fixed, an order of surcharge will be passed.

3. It cannot be disputed that proceedings under Section 87 (1) of the Act have been initiated pursuant to a report submitted by the enquiry officer under Section 81 of the Act.

Therefore, such material being the basis of action under Section 87 of the Act, principles of natural justice would require that copy of the said report along with the annexures are furnished to the petitioner so as to enable the petitioner to effectively submit his reply / objection. The learned counsel appearing for the respondent also does not have serious objection in furnishing the report submitted under Section 81 of the Act, along with the annexures. However, on this ground, the impugned notice cannot be quashed.

4. Accordingly, the writ petition is disposed of by directing the respondent to furnish a copy of the report submitted by the enquiry officer under Section 81 of the Act, along with annexures to the petitioner within a period of two weeks from the date of receipt of a copy of this order. On receipt of the same, the petitioner is directed to submit his reply / objection before the respondent, who shall thereafter, consider the same on merits, after affording an opportunity of personal hearing to the petitioner and pass a reasoned order in accordance with law. Till the report under Section 81 of the Act, is furnished and the petitioner submits his reply / objection, the respondent shall not proceed with the matter. No costs. Consequently, the connected Miscellaneous Petition is closed.

ars

-s/d-

Assistant Registrar(CS-I)

True Copy

Sub-Assistant Registrar

To

The Deputy Registrar of Co-operative Society,
Tirupathur,
Vellore District - 635 601

+ 1 cc to Mr.S.Sairaman,Advocate, SR 10281

+ 1 cc to Government Pleader, High Court, Madras SR 10597

msm(co)
prk7/3

W.P.No.6018 of 2016