

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 16.03.2016

Coram

The Hon'ble Mr.Justice T.S.Sivagnanam

Writ Petition No.9639 of 2016

and

W.M.P.No.8662 of 2016

B.Kandasamy

...Petitioner

Vs.

1. The Deputy Registrar of Cooperative Societies,
Tindivanam Circle, Jayapuram,
Tindivanam, Villupuram District.
2. K.Sagajanandam
Nolambur PACCS 81 Enquiry Officer,
Office of the Deputy Registrar of
Co-operative Societies (PDS)
Villupuram.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus, directing the respondents to recall the enquiry report and to direct the Enquiry Officer to proceed with the de novo enquiry by furnishing all the required documents by the petitioner.

For Petitioner : Mr.R.Karunakaran

For Respondent-1 : Mr.Balaramesh,
Additional Government Pleader

O R D E R

Heard Mr.R.Karunakaran, the learned counsel appearing for the petitioner, and Mr.Balaramesh, learned Additional Government Pleader, who accepts notice for first respondent, and with their consent, the main Writ Petition is taken up for final disposal at the stage of admission itself.

2. The prayer in the Writ Petition is for issuance of a Writ of Mandamus upon the respondents to recall the enquiry report and to direct the Enquiry Officer to proceed with the de novo enquiry.

3. Pursuant to the report submitted under Section 81 of the Tamil Nadu Co-operatives Societies Act, 1983 (hereinafter, referred to as 'the Act') dated 17.04.2015, a notice has been issued to the petitioner under Section 87 (1) of the Act, dated 05.01.2016. On receipt of the such notice, the petitioner sent a letter to the second respondent on 20.01.2016, requesting to furnish copies of the documents, as many as 27 in numbers. A perusal of the said letter shows that virtually the petitioner seeks for all the records pertaining to the Society. The question of furnishing the copies of those documents does not arise at this stage, however, to enable the petitioner to effectively putforth his defence, the petitioner should be permitted to peruse those documents, as sought for by him and to take notes. It is only thereafter, the petitioner should be granted time to submit his explanation and contest the matter. Accordingly, the second respondent is directed to keep the surcharge proceedings, initiated pursuant to the report, dated 05.01.2016, in abeyance for a period of three weeks from today. Within such time, the petitioner is directed to peruse all the documents in the Office of the second respondent, in the present of the Officials, and he is permitted to take notes. The petitioner shall peruse those documents within three days from today, after which, he should submit his explanation/objection and participate in the proceedings.

4. In the result, the Writ Petition is disposed of on the abovesaid terms. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS II)

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सत्यमेव जयते

Sub Assistant Registrar

To

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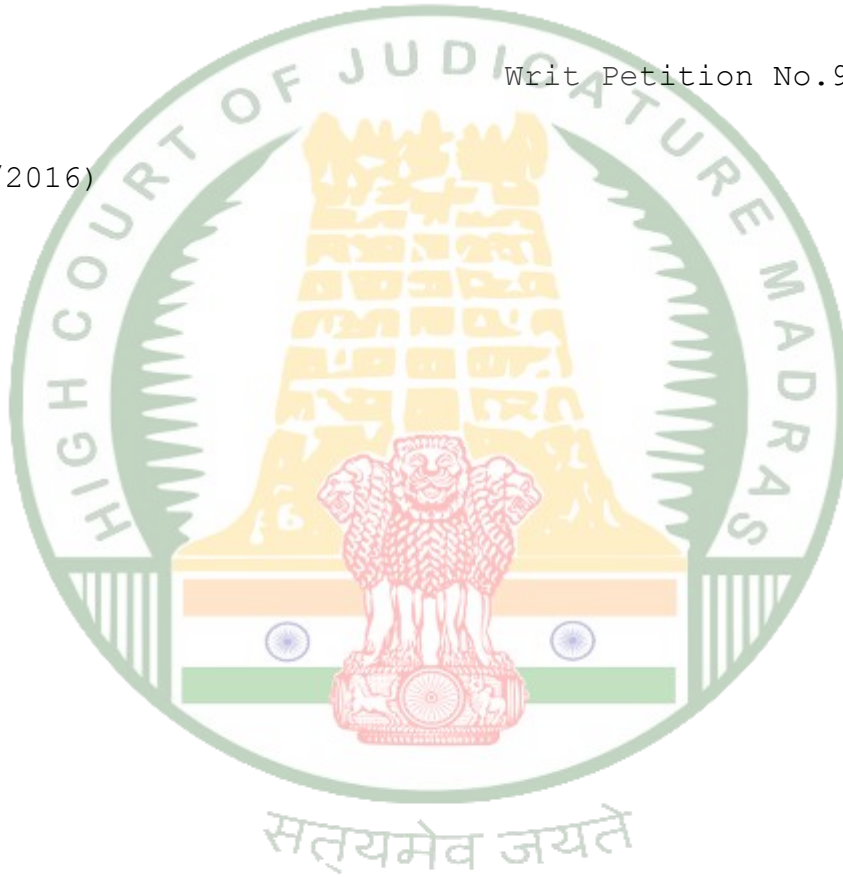
1. The Deputy Registrar of Cooperative Societies,
Tindivanam Circle, Jayapuram,
Tindivanam, Villupuram District.

2. K.Sagajanandam
Nolambur PACCS 81 Engquiry Officer,
Office of the Deputy Registrar of
Co-operative Societies (PDS)
Villupuram.

+1cc to Mr.R.Karunagaran, Advocate, S.R.No.16816
+1cc to the Government Pleader, S.R.No.16951

Writ Petition No.9639 of 2016

skv (CO)
srg (17/03/2016)



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