



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 13.06.2016
CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P(MD).No.10373 of 2016
and

W.M.P.(MD).Nos.8090 and 8091 of 2016

M.Velmurugan

... Petitioner

Vs.

The Deputy Registrar(Housing),
Madurai Region,
No.15.A, K.K.Nagar,
Main Road, Madurai.

... Respondent

Writ Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Certiorari to call for the records made in impugned notice dated 30.11.2015 made in Na.Ka.No.882/15 Sa.Pa (2) and consequent notice in Tha.Pa.No.2/2015-2016 dated 23.05.2016 issued by the respondent under section 87 of the Tamil Nadu Co-operative Societies Act and quash the same as illegal.

For petitioner : Mr.R.Meenakshi Sundaram

For respondent : Mr.T.R.Janarthanam
Additional Government Pleader

ORDER

Mr.M.Velmurugan, who is serving as Secretary in the office of the Housing Co-operative Societies, Madurai, challenges the impugned show cause notice, dated 30.11.2015, issued under Section 87 of the Tamil Nadu Co-operative Societies Act and a consequential notice in Tha.Va.No.2/2015-2016, dated 23.05.2016, issued with a direction to him to appear before the Enquiry Officer within 15 days, to explain the charges mentioned in the impugned notice.

2. The main grievance of the petitioner is that, without providing necessary documents, he has been asked to appear for the enquiry. While he has requested the respondent to furnish certain documents so that he can effectively participate in the enquiry and answer all the charges, in the impugned notice, it is stated that the petitioner was permitted only to peruse the documents.

3. According to the learned Counsel for the petitioner, unless copies of the documents thereof are issued to the petitioner, he may not be in a position to defend his case in a better way. In other words, if the documents sought for by the petitioner are furnished to him, it would be extremely useful for him to participate in the enquiry and effectively put forth his case.

<https://hcservices.ecourts.gov.in/hcservices/>

4. *Per contra*, the learned Additional Government Pleader submitted that since the petitioner was permitted to peruse the



documents, the request for furnishing copies thereof, is unreasonable and thus, prayed for the dismissal of the Writ Petition.

5. This Court is unable to accept the reply given by the learned Additional Government Pleader for the reason that, when an enquiry under Section 87 of the Tamil Nadu Co-operative Societies Act is contemplated against the petitioner, the respondents, without any good reason, cannot deny supply of documents to the petitioner, since, according to him, those documents are absolutely necessary for his defence in the course of enquiry. The unsatisfactory reason assigned now that the petitioner was permitted to peruse the documents and therefore, there is no need to supply copies thereof, cannot be accepted at all. Therefore, the petitioner is directed to make a representation to the respondent regarding the documents sought for by him, along with a copy of this order, within a period of one week from the date of receipt of a copy of this order, whereupon, the respondent is directed to furnish the documents relied upon in the charge memo and complete the enquiry within a period of three months from the date of furnishing the copies to the petitioner. It is made clear that the petitioner is entitled to get only those documents, which are relied upon in the charge memo and he cannot seek any unconnected document, which is not within the purview of the enquiry.

6. Accordingly, this Writ Petition stands disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/

Assistant Registrar(AE)

/TRUE COPY/

Sub Assistant Registrar

To
The Deputy Registrar(Housing),
Madurai Region,
No.15.A, K.K.Nagar,
Main Road, Madurai.

+1cc to M/S.R.Meenakshi Sundaram, Advocate in SR.No.29921

+1cc to Special Government Pleader in SR.No.30149

W.P(MD).No.10373 of 2016

13.06.2016

ssm

PA/GSV-PM/SAR I/14.06.2016/2P/4C (IT)