

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.01.2017

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.43/2017 & WMP.Nos.34 & 35/2017

K.Ravichandran .. Petitioner

Vs

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

2.The Enquiry Officer/Field Officer/
Cooperative Sub Registrar,
Kandamangalam Block,
O/o.The Deputy Registrar of
Cooperative Societies,
Villupuram Circle, Villupuram,
Villupuram District.

.. Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of certiorari calling for the records relating to the impugned summon issued by the 2nd respondent in his proceedings No.Nil dated 28.11.2016 and quash the same.

For Petitioner : Mr.C.Prakasam
For RR 1 & 2 : Mr.L.P.Shanmugasundaram
Spl.GP [Coop.]

ORDER

By consent, the writ petition is taken up for final disposal. Mr.L.P.Shanmugasundaram, learned Special Government Pleader accepts notice on behalf of the respondents.

2 The petitioner would state that he is working the Manager of Villupuram District Central Cooperative Bank, Main Branch and according to him, all of a sudden, the 1st respondent had ordered enquiry u/s.81 of the Tamil Nadu Cooperative Societies Act, 1988, [hereinafter referred to as "the Act"] and appointed the 2nd respondent as the Enquiry Officer and the said officer, in turn, has issued summons to the petitioner, calling upon him to appear before him on 09.11.2016 along with the records, failing which, it was indicated that action will be taken u/s.174 IPC and also u/s.157 of the Act. The grievance expressed by the petitioner is that the petitioner has not been put on notice and the reasons for which the enquiry is being contemplated u/s.81 of the Act is also not known to him and in this regard, the petitioner has also submitted a representation dated 17.11.2016 to the 2nd respondent and despite the receipt and acknowledgment, the impugned summons dated 28.11.2016 has been issued and hence, the petitioner has come

forward to file the present writ petition.

3 Mr.C.Prakasam, learned counsel for the petitioner would submit that the impugned summons has not given any reasons for commencing / contemplating the enquiry u/s.81 of the Act and as such, the petitioner is put to grave prejudice and hardship and prays for appropriate orders.

4 Per contra, Mr.L.P.Shanmugasundaram, learned Special Government Pleader appearing for the respondents would submit that only on production of the records, the details can be found out and as such, the petitioner cannot express any grievance and the writ petition is a premature one and hence, prays for dismissal of the same.

5 This Court has considered the rival submissions and also perused the materials placed before it.

6 The petitioner, on receipt of the earlier summons dated 31.10.2016, has submitted a representation to the 2nd respondent on 17.11.2016 and it was also followed by the impugned summons dated 28.11.2016. Be that as it may, since the petitioner has submitted a representation in response to the earlier summons dated 31.10.2016,

the 2nd respondent is directed to consider the said representation dated 17.11.2016 on merits and in accordance with law and pass orders within a period of two weeks from the date of receipt of a copy this order and communicate the decision taken, to the petitioner and till such time, shall defer further proceedings in terms of the impugned summons dated 28.11.2016.

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

04.01.2017

Index : No

Internet : Yes

AP

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M.SATHYANARAYANAN. J

AP

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