

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.04.2017

CORAM:

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

W.P. No. 7378 of 2017

K.Marappan

.. Petitioner

Vs.

The Deputy Registrar of Co-operative Societies,
Tiruchengode Circle,
Tiruchengode, Namakkal District.

.. Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, forbearing the respondent in proceeding under Section 87 of the Tamilnadu Co-operative Societies Act against the petitioner pursuant to the surcharge notice Na.Ka.1710/2016.tho.ve.sa dated 24.01.2017 without furnishing the copies of the documents required in the petitioner representation dated 18.02.2017.

For Petitioner : Mr.M.S.Palaniswamy
For Respondent : Mr.L.P.Shanmuga Sundaram
Special Govt. Pleader

O R D E R

The petition has been filed praying for issuance of a Writ of Mandamus, forbearing the respondent from proceeding under Section 87 of the Tamilnadu Co-operative Societies Act against the petitioner, pursuant to the surcharge notice Na.Ka.1710/2016.tho.ve.sa dated 24.01.2017, without furnishing the copies of the documents as required by the petitioner in his representation dated 18.02.2017.

2. Heard Mr.M.S.Palaniswamy, learned counsel appearing for the petitioner and Mr.L.P.Shanmuga Sundaram, learned Special Government Pleader appearing on behalf of the respondent.

3. The learned counsel appearing for the petitioner submits that the petitioner was the President of the Jamin Elampalli PACCS Ltd., Namakkal District. The respondent issued surcharge notice dated 24.01.2017. The petitioner submitted a representation dated 18.02.2017 requesting the respondent to furnish 12 documents relied upon in the surcharge notice. The

respondent, in his reply dated 24.02.2017, requested the petitioner to verify the documents and take notes in the office hours within 7 days. The petitioner sent a reply dated 06.03.2017 stating that because of his old age and ill health, the Doctor advised the petitioner not to move anywhere and take bed rest. The respondent sent a reply without considering the petitioner's request and directed the petitioner to receive surcharge enquiry report in the office and there is no mention about the other documents relied upon in the surcharge notice. It is further stated that the petitioner is entitled to the copies of the documents, so that he can submit his effective reply for the surcharge notice. Denying the supply of documents, by the respondent is in violation of the principles of natural justice. Hence, the petitioner has filed the present Writ Petition.

4. On instructions, the learned Special Government Pleader appearing for the respondent would submit that if the petitioner produces any authorisation letter to the respondent, authorising a person to receive the documents as required in the petitioner's representation dated 18.02.2017, the said documents will be furnished to the authorised person.

5. In view of the above submissions made by the parties, the respondent is directed to furnish the copies of the documents as requested by the petitioner in letter dated 18.02.2017 to the petitioner's authorised person, on production of the authorisation letter from the petitioner. Further, both the parties agreed that the authorised person will contact the respondent on 11th or 12th of April 2017 during the working hours of the respondent's office. Thereafter, the petitioner is directed to submit his explanation to the respondent, within two weeks.

7. With the above directions the Writ Petition is disposed of. No costs.

Sd/-
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

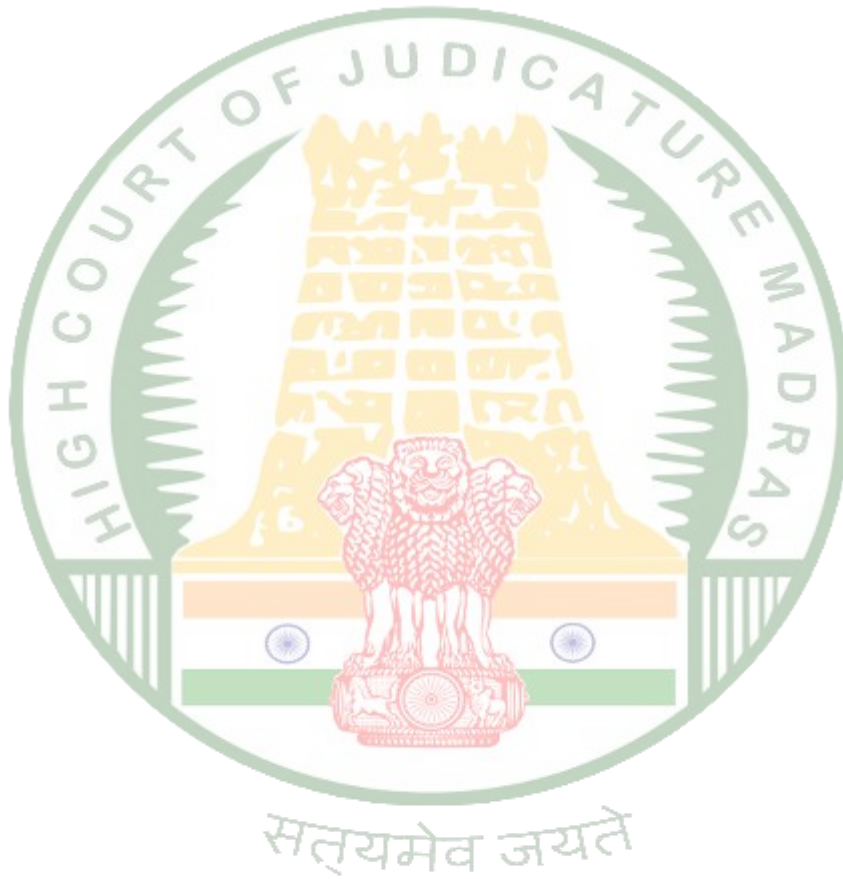
To

The Deputy Registrar of Co-operative Societies,
Tiruchengode Circle,
Tiruchengode, Namakkal District.

+1cc to Mr.M.S. Palaniiswamy, Advocate Sr. 20784
+1cc to M/S. L.P. Shanmuga Sundaram, Advocate Sr. 20549

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RSI (CO)
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