

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.09.2017

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.5395 of 2017
and
W.P.M.P.No.5720 of 2017

R.Kalaichelvan

.. Petitioner

Vs.

1. The Deputy Registrar of Co-operative Societies,
Nagappatinam Circle,
Nagappatinam, Nagappatinam District.
2. The President,
Z 719, Thittacheri Primary Agricultural,
Co-operative Credit Society Ltd.,
Purakiramam - 609 703,
Nagappatinam District.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the orders passed by the first respondent in Na.Ka.459/2015/Ku.Na dated 10.05.2016 and quash the same and consequently direct the first respondent to conduct surcharge proceedings afresh in compliance with Section 87(4) of the Tamilnadu Co-operative Societies Act, 1983.

For Petitioner : Mr.S.Kamadevan

For Respondents : Mr.V.Selvaraj

Additional Govt. Pleader for R1

Mr.M.S.Palanisamy

for V.Ravichandran for R2

ORDER

This writ petition has been filed seeking to quash the proceedings of the first respondent in Na.Ka.459/2015/Ku.Na dated 10.05.2016 and consequentially direct the first respondent to conduct surcharge proceedings afresh in compliance with Section 87(4) of the Tamilnadu Co-operative Societies Act, 1983.

2. Brief facts of the case is as follows :-

Pursuant to the enquiry conducted under Section 81 of the Tamil Nadu Co-operative Societies Act, 1983, the petitioner was placed under suspension for the irregularities in the affairs of the 2nd respondent society. By proceedings dated 10.03.2015, the 1st respondent nominated one Mariappan, to conduct the enquiry and he submitted three reports on 17.06.2015, holding the petitioner responsible for the irregularities. Based on the enquiry report, disciplinary proceedings and surcharge proceedings were initiated against the petitioner. Subsequently, criminal case was also registered against the petitioner and 11 others. Therefore, the petitioner has filed this writ petition seeking the aforesaid prayer.

3. During the course of arguments, the learned counsel for the petitioner fairly conceded that there is an appeal remedy available for the petitioner under Section 152 of the Tamil Nadu Co-operative Societies Act, 1983. However, the learned counsel for the petitioner seeks this Court to grant liberty to the petitioner to raise additional grounds, if any, before the Appellate Court.

4. The learned counsel for the respondents have no objection to permit the petitioner to raise additional grounds in the appeal filed under Section 152 of the Act, before the Appellate Court.

5. In view of the above submissions made by the learned counsel for the parties, the writ petition is dismissed as not maintainable. However, liberty is granted to the petitioner to file an appeal before the Appellate Authority, within a period of four weeks from the date of receipt of a copy of this order, if so advised. It is also open to the petitioner to raise additional grounds, if any. Registry is directed to return the original order to the learned counsel for the petitioner, after getting a copy of the said order. Consequently, the connected M.P is closed. No order as to costs.

s/d-

Assistant Registrar (CS VI)

True Copy

Sub-Assistant Registrar

avr

To

1. The Deputy Registrar of Co-operative Societies,
Nagappatinam Circle,
Nagappatinam, Nagappatinam District.

2. The President,
Z 719, Thittacheri Primary Agricultural,
Co-operative Credit Society Ltd.,
Purakiramam - 609 703,
Nagappatinam District.

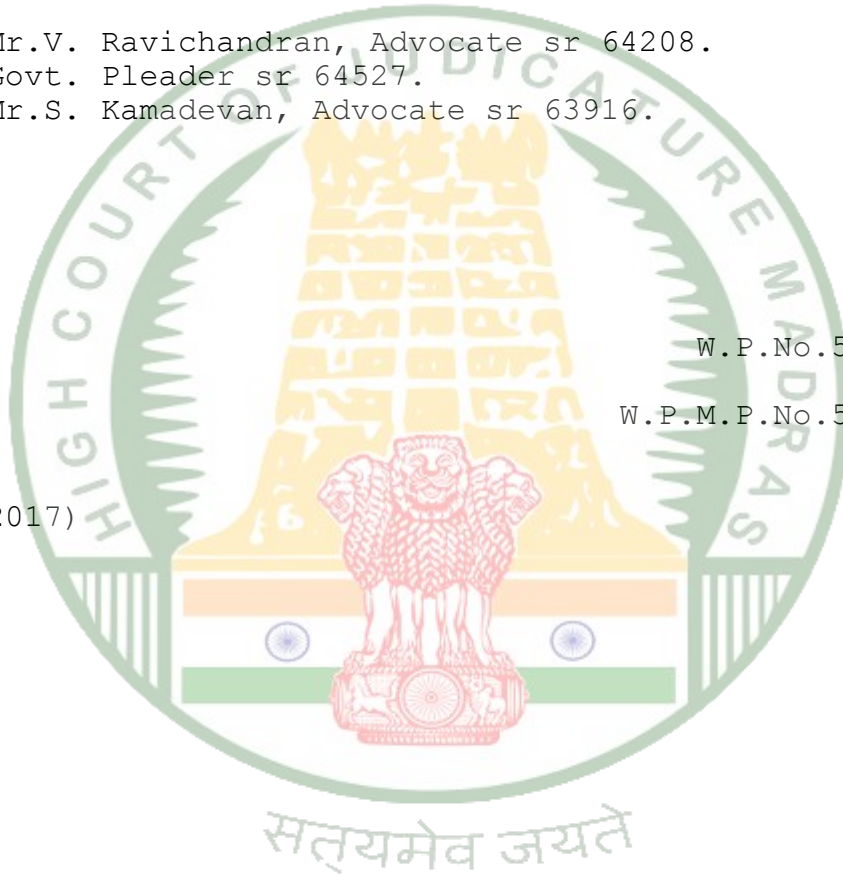
+1 CC to Mr.V. Ravichandran, Advocate sr 64208.

+1 CC to Govt. Pleader sr 64527.

+1 Cc to Mr.S. Kamadevan, Advocate sr 63916.

W.P.No.5395 of 2017
and
W.P.M.P.No.5720 of 2017

RV(CO)
SP(03/11/2017)



WEB COPY