

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.07.2017

C O R A M

THE HON'BLE Mr.JUSTICE S.M.SUBRAMANIAM

W.P.No.7964 OF 2017
and WMP.Nos.8712 & 8713 of 2017

K. P. Murugesan

... Petitioner

Versus

1. The Deputy Registrar of Cooperative Societies,
Erode Circle, Cooperative Complex,
Surampatti, Erode - 9.
2. The President,
Perundurai R.S. Primary Agricultural
Cooperative Credit Society Ltd,
Perundurai R.S.,
Erode District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India pleased to issue a writ of certiorari, calling for the entire records relating to the impugned order passes by the 1st respondent in her proceedings Ka.Mu.A.24/2016/Tho.Vae.Sa, dated 28.06.2016 and quash the same.

For Petitioner Mr.C. Prakasam

For Respondents Mr.L.P.Shanmugha Sundaram,
Spl.Govt. Pleader

ORDER

The order under challenge in this writ petition is the internal communication between the Deputy Registrar of Cooperative Societies and the President, Perundurai R.S. Primary Agricultural Cooperative Credit Society Limited dated 28.06.2016.

2.The writ petitioner has chosen to challenge the internal communication only on the apprehension that the Deputy Registrar of Cooperative Societies directed the society to revert the petitioner from the post of Secretary to Assistant Secretary. The learned counsel appearing for the petitioner contended that the writ petitioner will be reverted directly without giving an

opportunity to defend his case which will be in violation of principles of natural justice.

3.However, this Court is of the opinion that the internal communications providing certain directions to the subordinates cannot be challenged in this writ petition. But the apprehension raised by the writ petitioner deserves to be considered, in view of the fact that the internal communication itself states that within three days an order of reversion to be passed. Hence, there is a substance in the contentions raised on behalf of the writ petitioner.

4.Accordingly, this Court is of the opinion that before issuing any order of reversion, the respondents have to follow the principles of natural justice by providing all reasonable opportunities of issuing show cause notice and receiving explanations from the writ petitioner and thereafter, take a decision in this regard on merits and in accordance with law.

5. With this observation, the writ petition stands dismissed. No order to costs. Consequently, Connected Miscellaneous Petitions are closed.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

nl/rpa
To

1. The Deputy Registrar of Cooperative Societies,
Erode Circle, Cooperative Societies,
Surampatti, Erode - 9.

2. The President,
Perundurai R.S. Primary Agricultural
Cooperative Credit Society Ltd,
Perundurai R.S.,
Erode District.

+1cc to the Government Pleader Sr. 47241

+1cc to Mr.C.prakasam, Advocate Sr. 47400

+1cc to M/S.L.P.Sunmugasundaram, Advocate Sr. 47491

W.P.No.7964 of 2017
and WMP.Nos.8712 & 8713 of 2017

RSI (CO)
VR(26/07/2017)



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