

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.08.2017

CORAM

THE HON'BLE MR. JUSTICE D. KRISHNAKUMAR

W.P.No.20856 of 2017 and
WMP No.21716 & 21717 of 2017

M.Srinivasan

..Petitioner

Vs.

1. The Registrar of
Co-operative Societies,
Kilpauk,
Chennai-600 010.

2. The Deputy Registrar of
Co-operative Societies,
Salem Region,
Salem.

3. M.Meenatchi,
Co-operative Sub Registrar/
Field Officer,
Vazhapadi,
Salem District.

..Respondents

PRAYER:

The Writ Petition is filed under Article 226 of the Constitution of India to issue a writ of certiorari calling for the records of the 2nd respondent relating to the order in Pro.Na.Ka.No.6342/2016/PACCS dated 20.07.2017 And quash the same.

For Petitioner : Mr.G.Vasudevan

For Respondents : Mr.V.Selvaraj, Additional
Government Pleader

ORDER:

According to the the petitioner, the petitioner is a member of the "S-1299, V.Mannarpalayam Primary Agricultural Cooperative Credit Society Ltd" at Salem and also one of the directors of board of management of the society. The target of granting loans to the members of the society for the year 2014-

2015 was fixed as Rs.3 crores. But, loans amounted to Rs.86,45,000/- were only granted to the members. Now, the Deputy Registrar of the Cooperative Society, Salem Region / second respondent has passed an order of attachment dated 29.06.2016 before Judgment under Section 167 of the Tamil Nadu Cooperative Societies Act, 1983 against the Secretary of the society, Thiru.K.Chandrasekaran for the alleged failure to collect over due loans amount of Rs.1,01,54,000/-. Pursuant to the said order, another order dated 20.07.2017 in Pro.Na.Ka.No.6342/2016/PACCS directing to conduct enquiry under Section 81 of the Tamil Nadu Cooperative Societies Act, 1983 has also been passed by the second respondent. Challenging the said order dated 20.07.2017, the petitioner has filed this writ petition before this court.

2. According to the learned counsel for the petitioner, the petitioner, as a member of the society and as a member of the board of management, has submitted a representation to the second respondent dated 24.07.2017 requesting to cancel the order dated 20.07.2017 by stating that the image of the society will be spoiled when such enquiry is conducted. But the petitioner has not received any reply. Hence, the petitioner has approached this court to quash the said proceedings.

3. The learned Government Pleader would submit that the above process is only at the pre-mature stage. As only an enquiry is to be conducted under Section 81 of the Act, the writ petition against the said order is not maintainable at this stage and the writ petition is liable to be dismissed.

4. By considering the facts and circumstances of the case, it is found that the petitioner has filed the writ petition challenging the order dated 20.07.2017 of the second respondent, in which the third respondent has been appointed as an enquiry officer. At this pre-mature stage of the proceedings, the writ petition is not maintainable and is liable to be set aside.

5. The writ petition is dismissed. However, it is open to the second respondent to take note of the representation dated 24.07.2017 made by the petitioner. Consequently, connected miscellaneous petitions are closed. No costs.

Sd/-

Asst.Registrar (CS VI)

/true copy/

Sub Asst. Registrar

lok

To

1. The Registrar of
Co-operative Societies,
Kilpauk,
Chennai-600 010.

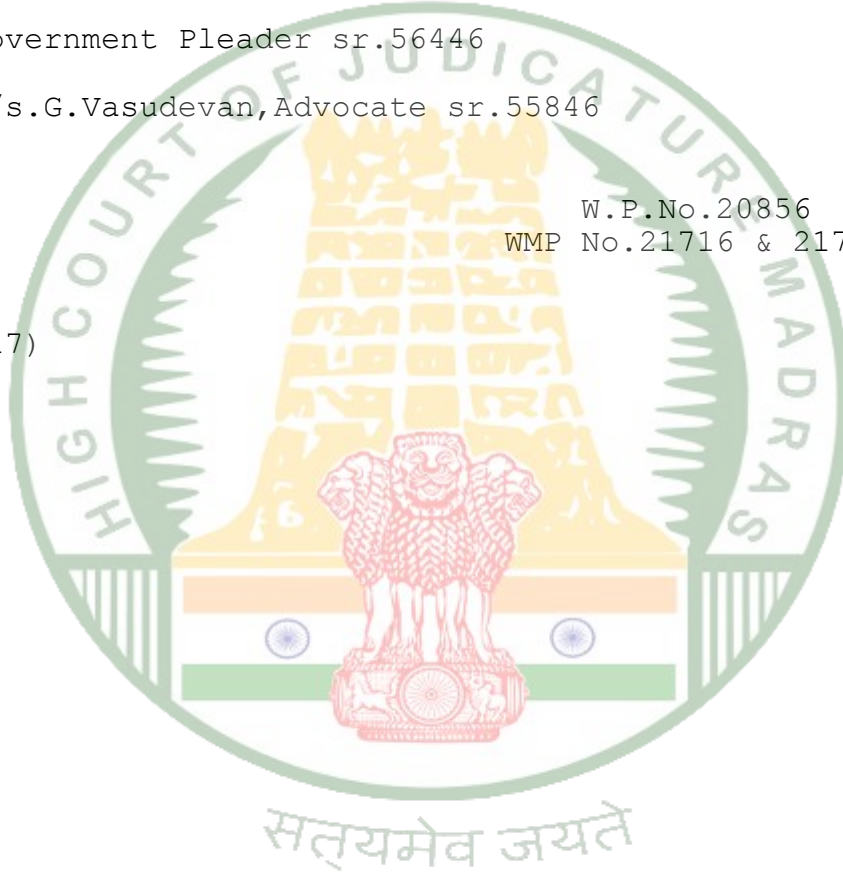
2. The Deputy Registrar of
Co-operative Societies,
Salem Region,
Salem.

+1cc to Government Pleader sr.56446

+1cc to M/s.G.Vasudevan, Advocate sr.55846

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ppa (co)
ss (8/8/2017)



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