

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 18.01.2017

CORAM:

THE HON'BLE MR.JUSTICE T.RAJA

W.P.No.1233 of 2017 &
W.M.P.No.1169 of 2017

K.Ramesh, Member (No.1345)
C-1363, Kalandra Chettyappannur,
Primary Agricultural Cooperative
Credit Society ltd, Chettyappannur Village,
Vaniyambadi Taulk, Vellore Dt. ... Petitioner

Vs.

- 1.The Registrar of Co-operative Societies,
Chennai.
- 2.The Joint Registrar of Co-operative Societies,
Vellore Zone, Vellore.
- 3.The Deputy Registrar of Co-operative Societies,
Thirupattur Region,
Thirupattur.
- 4.The Co-operative Sub Registrar/
Field Officer,
Tirupathur.
- 5.The Co-operative Sub Registrar/Inspection
Office of the Deputy Registrar of
Co-operative Societies, Thirupattur,
Vellore District.

.. Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India praying to issue a writ of Certiorari calling for the records in pursuant to the proceedings vide Na.Ka.No.3061/2016 Ve.Sa. Dated 13.10.2016 and the consequential proceedings vide Na.Ka.No.3061/2016 Sa.Pa. Dated 27.10.2016 both issued by the third respondent and quash both of them.

For Petitioner : Mr.T.P.Prabakaran

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

O R D E R

This writ petition has been filed seeking writ of Certiorari to call for the entire records pursuant to the proceedings bearing Na.Ka.No.3061/ dated 13.10.2016 and the consequential proceedings bearing Na.Ka.No.3061/2016 dated 27.10.2016 issued by the Deputy Registrar of Co-operative Societies, Tirupattur, the third respondent herein.

2.Learned counsel for the petitioner would submit that the petitioner is one of the Members of the Kalandra Chettiyappanur Primary Co-operative Credit Society Limited. As he is actively involved in the said credit society, the respondents 3 and 5 are taking steps to conduct enquiry under Section 81 of the Tamil Nadu Co-operative Societies Act, for several irregularities, without waiting for the orders to be passed by the competent authorities on various similar enquiry reports submitted by the committees, special teams, etc.,

3.Adding further, he would submit that when several irregularities relating to loan waiving scheme were initiated, the Registrar of Co-operative Societies, Chennai/first respondent, has also after considering various records relating to the said scam, filed a report. Consequently, the Joint Registrar of Co-operative Societies, Vellore Zone, Vellore/the second respondent herein, has also filed three more field verification reports dated 13.07.2016, 27.07.2016 and 11.08.2016. The Deputy Registrar of Co-operative Societies, Tirupathur Region and the Co-operative Sub Registrar/Inspection, Office of the Deputy Registrar of Co-operative Societies, Tirupathur, Vellore District, have already taken urgent steps to conduct enquiry under Section 81 of the Tamil Nadu Co-operative Societies Act. When respondents 3 and 5 have already taken steps to conduct enquiry, no enquiry under Section 81 of the Tamil Nadu Co-operative Societies Act, can be proceeded with, without the reports submitted by the respondents 1 and 2 being made known. The reason is that as the field verifications have been made available already, the respondents should be directed to find out who are the persons responsible for the irregularities in respect of the loan waiving scheme. Otherwise the enquiry going to be conducted under Section 81 of the Act also would have the same effect of previous reports submitted by respondents 1 and 2.

4.But this Court hardly finds no locus standi or justification for the petitioner to come to this Court seeking for interference in the enquiry initiated under Section 81 of the Act. When the petitioner claims to be one of the members of the Co-operative Credit Society limited, he cannot ask for any interference in the conduct of enquiry under Section 81 of the

Act, which is a fact finding process. Finally, after taking a decision to conduct an enquiry under Section 81 of the Act by the respondents, this Court may not be able to interfere with the said enquiry process. Moreover, as mentioned above, the petitioner being one of the members of the Co-operative Society, cannot say that he is an aggrieved person on the action taken by the third respondent for initiating the proceedings under Section 81 of the Act.

5. Therefore, the writ petition fails and the same is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Deputy Registrar (Judicial)

/true copy/

Sub Asst. Registrar

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To

1. The Registrar of Co-operative Societies,
Chennai.
 2. The Joint Registrar of Co-operative Societies,
Vellore Zone, Vellore.
 3. The Deputy Registrar of Co-operative Societies,
Thirupattur Region,
Thirupattur.
 4. The Co-operative Sub Registrar/
Field Officer,
Tirupathur.
 5. The Co-operative Sub Registrar/Inspection
Office of the Deputy Registrar of
Co-operative Societies, Thirupattur,
Vellore District.
- +1cc to Government Pleader sr.3673
+1cc to Mr.T.P.Prabakaran, Advocate sr.3383

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nrjk(co)
ss(11/4/2017)