

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.08.2017

CORAM

THE HON'BLE MR. JUSTICE D. KRISHNAKUMAR

WP.No.22042 of 2017 and
WMP.No.23094 of 2017

S.Eswari

..Petitioner

Vs.

1. Joint Registrar of Cooperative Societies,
Tiruppur Zone,
Tiruppur-641 601

2. K 797, Kongal Nagaram Primary
Agricultural Cooperative Credit Society,
Rep.by its Secretary,
Kongal Nagaram Village & Post,
Udumalpet Taluk,
Tiruppur District 642 205

..Respondents

PRAYER:

The Writ Petition is filed under Article 226 of the Constitution of India to issue a writ of mandamus directing the first respondent to furnish the documents requested by the petitioner in his representation dated 20.06.2017 and thereafter give sufficient opportunity to him to tender explanation on the Notice dated 29.05.2017 bearing Na.Ka.No.1560/2016/Pa2 issued under Section 36(1) of the Tamil Nadu Cooperative Societies Act, 1983 and consider the representation given by him on its merits and in accordance with law and pass orders thereon.

For petitioner : Mr.Balan Haridas

For respondents: Mr.L.P.Shanmuga Sundaram,
Special Government Pleader for R1
: Mr.M.S.Palanisamy for R2

ORDER:

By consent of both parties, the writ petition is taken up for final disposal today.

2. According to the learned counsel for the petitioner, the petitioner, being a member of the second respondent society, was elected as a member of the Board of Directors of the said society. While being so, the petitioner received a notice from the first respondent dated 29.05.2017, wherein it had been stated that an enquiry was ordered under Section 81 of the Act on financial irregularities, during the said enquiry some documents were not submitted by the Board of Directors. Pursuant to that, the irregularities made by the President and others were enquired and submitted the report under Section 81 of the Act. The first respondent issued show cause notice without giving any details. On the request of the petitioner, the first respondent furnished enquiry report to the petitioner. Further, the petitioner requested the first respondent, by representation dated 27.07.2017 to furnish the copy of the documents to the petitioner, so as to enable him to make further explanation before the first respondent. Without furnishing the said documents, the respondent has proceeded with enquiry. Therefore, the petitioner has filed the writ petition before this Court for the aforesaid prayer.

3. The learned Government Advocate takes notice for the respondents. Today, at the time of hearing, the first respondent has furnished the remarks to the learned Special Government Pleader by stating that, on the request of the petitioner, the report has been furnished to the petitioner on 03.07.2017. Now, the enquiry is posted on 05.09.2017. Insofar as the petitioner's representation dated 27.07.2017, requested documents will be furnished on 05.09.2017 by the first respondent.

4. Therefore, by recording the aforesaid submissions made by the first respondent, no further adjudication is required in the present writ petition. However, on the request of the learned counsel for the petitioner, after furnishing the said copy of the documents, further two weeks' time is granted for the petitioner to submit his explanation to the first respondent.

5. In view of the above, the writ petition stands disposed of with above directions. Consequently, the connected miscellaneous petition is closed. No costs.

Sd/-

Assistant Registrar(CS)

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Sub Assistant Registrar

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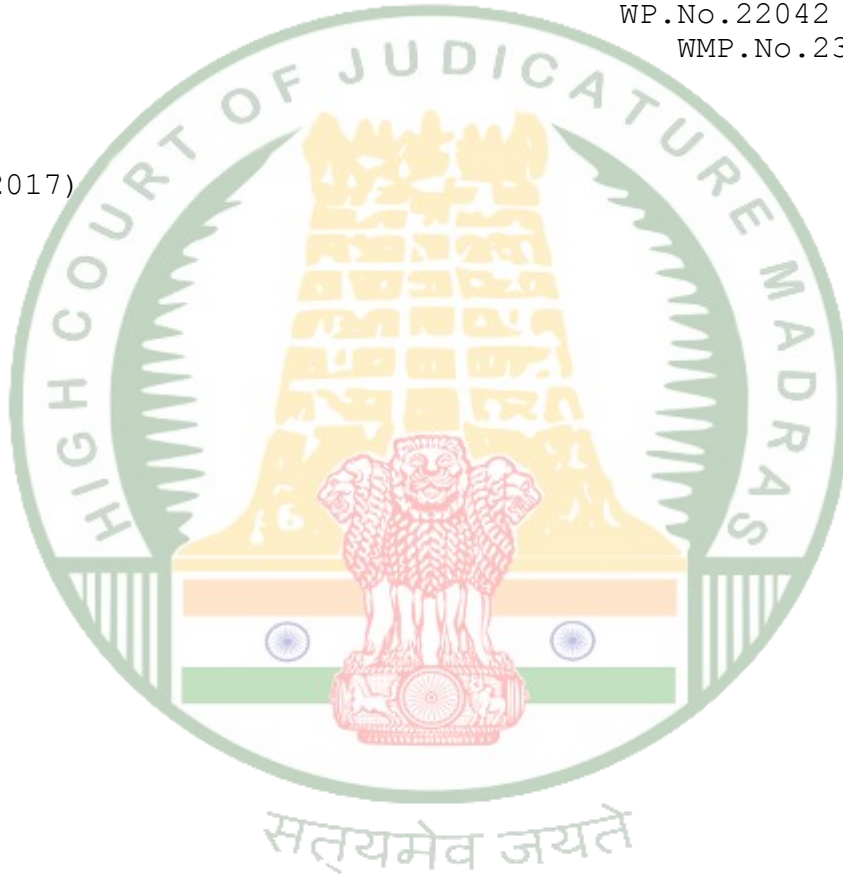
To

Joint Registrar of Cooperative Societies,
Tiruppur Zone,
Tiruppur-641 601

+ 1 cc to M/s. Balan Haridas, Advocate Sr.62448
+ 1 cc to Government Pleader SR.63341

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AD(CO)
EU(04/10/2017)



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