

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.05.2017

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.12574 OF 2017 &
WMP Nos. 13373 & 13374 of 2017

P.Sarala

.. Petitioner

-vs-

1. The Deputy Registrar of Co-operative Societies
Tindivanam Circle, Jayapuram Colony
Tindivanam, Villupuram District.
2. The Co-operative Sub Registrar/Field Officer
Mallam/ Speial Officer
O/o the Deputy Registrar of Co-operative Societies
Tindivanam Circle, Jayapuram Colony
Tindivanam, Villupuram District.

.. Respondents

Writ Petition filed under 226 of the Constitution of India for issuance of a writ of certiorari to call for the entire records relating to the impugned order passed by the first respondent in his proceedings Na.Ka.No.1361/2017 Sa.Pa.2, dated 02.05.2017 and quash the same.

For Petitioner : Mr.C.Prakasam

For Respondents : Mr.L.P.Shanmuga Sundaram
Spl.Govt. Pleader

O R D E R

The writ petitioner has come forward with this Writ Petition for quashing the order passed by the Deputy Registrar of Co-operative Societies/1st respondent herein, under section 34(6) of the Tamil Nadu Co-operative Societies Act, 1983 (in short 'Act').

2.The learned counsel appearing for the writ petitioner contended that without issuing any show cause notice, the first respondent has issued the impugned order and the procedure followed by the first respondent in not issuing any show cause notice, is in violation of principles of natural justice.

3.The learned Special Government Pleader appearing for the respondents contended that order passed under section 34(6) of the Act is an appealable order under section 152(2) of the Act and the power of the Registrar is delegated to the Joint Registrar of Co-operative Societies, by virtue of the order passed by the Government in G.O.Ms.No.108, Co-Operation, Food and Consumer Protection Department dated 31.08.2005.

4.Though Appellate remedy is provided under the Act, the learned counsel for the petitioner submits that the impugned order has been passed without following the principles of natural justice and therefore, the Writ Petition has to be entertained and the petitioner will not get appropriate relief in the hands of the authorities under the Act.

5.Considering the facts and circumstances of the Act, this Court is inclined to consider this Writ Petition, on the limited point of violation of principles of justice, by the respondents. Section 34(6) of the Act contemplates an opportunity to the person against whom action is initiated. Such an opportunity cannot be denied since the Statute provides the same.

6.Accordingly, the Writ Petition is allowed and the impugned order is quashed. The respondents are at liberty to issue a fresh show cause notice and after complying with the procedures contemplated under section 34(6) of the Act, final order may be passed on merit and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar/VO

//True Copy//

Sub Assistant Registrar

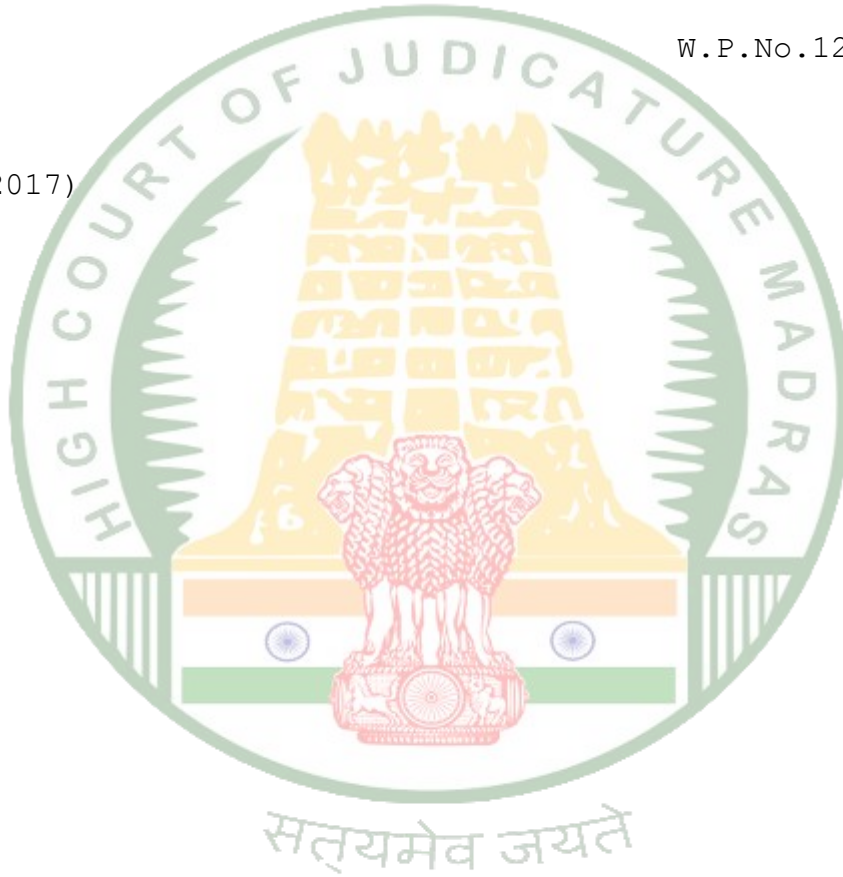
rpa

To

1. The Deputy Registrar of Co-operative Societies
Tindivanam Circle, Jayapuram Colony
Tindivanam, Villupuram District.
2. The Co-operative Sub Registrar/Field Officer
Mallam/ Speial Officer
O/o the Deputy Registrar of Co-operative Societies
Tindivanam Circle, Jayapuram Colony
Tindivanam, Villupuram District.

W.P.No.12574 OF 2017

RSY (CO)
NR(16/05/2017)



WEB COPY