

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.07.2017

CORAM :

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

WRIT PETITION No.13273 of 2017
and
W.M.P. No.14271 of 2017

V.Ramasamy

... Petitioner

Vs.

The Deputy Registrar, (TYSPL, 105)
Alagapuram Primary Agricultural Co-operative Bank,
Kavarapalayam Via,
Udayarpalayam Taluk,
Ariyalur District

... Respondent

Prayer : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari to call for the records of the respondents pertain to the impugned show cause notice bearing reference Na.Ka.3451/2008/SaPa(2) dated 17.03.2017 and quash the same as arbitrary, illegal and without jurisdiction.

For Petitioner : Mr.P.R.Thiruneelakandan

For Respondent : Mr.L.P.Shanmugasundaram
Special Government Pleader (Co-op)

O R D E R

The challenge in the writ petition is a notice issued by the Deputy Registrar of Co-operative Societies, under Section 87 of the Tamilnadu Co-operative Societies Act, 1983, (hereinafter called as "the Act").

2. Pursuant to the order of the Deputy Registrar of Co-operative Societies under Section 81 of the Act, an enquiry was conducted and based on the enquiry report, the Deputy Registrar of Co-operative Societies had issued a show cause notice under Section 87 of the Act seeking explanation of the writ petitioner. Before responding to the show cause notice issued under Section 87 of the Act, the writ petitioner moved this Court by way of the present writ petition.

3. The procedure contemplated under the Tamilnadu Co-operative Societies Act is that against the notice issued under Section 87 of the Act, the petitioner/delinquent is at liberty to defend the case and accordingly, an enquiry is contemplated and after conducting an enquiry by providing opportunity to the delinquent officials, a final order has to be passed and against the final order also, there is an appeal provided under Section 152 of the Act. For this purpose, the Co-operative Tribunal was constituted for every Districts and aggrieved persons against the order passed under Section 87 of the Act have to file an appeal before the Co-operative Tribunal under Section 152 of the said Act. If such being the remedial procedure contemplated under the Act, the present writ petition filed against the notice is absolutely not maintainable and it is for the writ petitioner to work out his remedy under the procedure contemplated under the Act.

4. In view of the aforesaid reason, the writ petition is devoid of merits and stands dismissed. However there is no order as to costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

may a

To

The Deputy Registrar, (TYSPL, 105)
Alagapuram Primary Agricultural Co-operative Bank,
Kavarapalayam Via,
Udayarpalayam Taluk,
Ariyalur District.

+1cc to Mr.P.R.Thiruneelakandan, Advocate, S.R.No.46342
+1cc to Mr.L.P.Shanmugasundaram, Advocate, S.R.No.46188
+1cc to the Government Pleader, S.R.No.46574

W.P.No.13273 of 2017

SR(CO)
CA(18/07/2017)