

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.06.2017

CORAM

THE HON'BLE MR. JUSTICE D. KRISHNAKUMAR

W.P.No.14426 of 2017
and
W.M.P.No.15635 of 2017

K.Venkatesan

.. Petitioner

Vs.

1. The Deputy Registrar of Cooperative Societies,
Nagapattinam Circle, Nagapattinam,
Nagapattinam District.
2. The President,
T.706, Eravancherry Primary Agricultural
Cooperative Credit Society Ltd.,
Alankudicherry Village,
Thittacherry Post - 609 703,
Nagapattinam Taluk & District.
3. The Enquiry Officer,
O/o. Deputy Registrar of Cooperative Societies,
Nagapattinam Circle,
T.706, Eravancherry Primary Agricultural
Cooperative Credit Society Ltd.,
Alankudicherry Village,
Thittacherry Post - 609 703,
Nagapattinam Taluk & District.

.. Respondents

PRAYER:

The Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the 1st respondent to appoint another enquiry officer for conducting enquiry under Section 81 of Tamil Nadu Cooperative Societies Act in respect of irregularities committed by the 2nd respondent in the 2nd respondent society.

For Petitioner : Mr.C.Prakasam

For R1 to R3 : Ms.T.Girija,
Government Advocate.

ORDER:

According to the learned counsel for the petitioner, the petitioner is one of the members in the second respondent society. The President and the Board of Directors of the second respondent society were elected for the society. The President of the Board committed irregularities in issuing loans to the members of the Society, the first respondent ordered enquiry under Section 81 of the Tamil Nadu Cooperative Societies Act and appointed the third respondent as the Enquiry Officer. The Enquiry Officer enquired the members of the Society leaving the President. Hence, the petitioner made a representation on 07.11.2016 to the first respondent seeking enquiry regarding the misappropriation committed by the President. Even though the first respondent directed the third respondent to enquire into the above allegation, the Enquiry Officer made enquiry with the members only. Thereafter, the petitioner filed a writ petition in W.P.No.3073 of 2017 in this regard in which this Court, directed the first respondent to consider the petitioner's representation dated 07.11.2016 and pass appropriate orders within time fixed by this Court. Pursuant to the order, the petitioner has approached the first respondent and requested the respondent to extend enquiry against the President of the Society. Then, the petitioner came to know, that the third respondent instructed the second respondent to set all the documents related to the misappropriation made by the second respondent, on fire and create new documents. Further, the third respondent hand in glove with the second respondent to escape from the clutches of law, has prepared an enquiry report based on which the first respondent is going to take action against the employees only and not the President. The enquiry report has not been furnished to the petitioner. Hence, the petitioner has filed this writ petition.

2. The learned Additional Government Pleader denied the contentions made by the petitioner. However, without prejudice to the contention, the first respondent passed an order on 05.06.2017 constituting a three-member Committee to inspect the society bank. On the basis of the report of the aforesaid Committee, the action may be taken and if the irregularities committed by the second respondent is proved, further action will be taken against the second respondent.

3. Heard, the learned counsel for the petitioner and learned Government Advocate for the respondents and perused the materials available on record.

4. On perusal of the affidavit, the petitioner has not made any specific allegations against the third respondent and no materials have been placed before this Court in support of his contentions. Hence, no prima facie case is made out to entertain the writ petition.

5. In the light of the order passed by the first respondent, in Na.Ka.No.517/2017/Ku.Na dated 05.06.2017 by constituting three member committee, to inspect the bank. Hence, the writ petition is dismissed. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

1. The Deputy Registrar of Cooperative Societies,
Nagapattinam Circle, Nagapattinam,
Nagapattinam District.

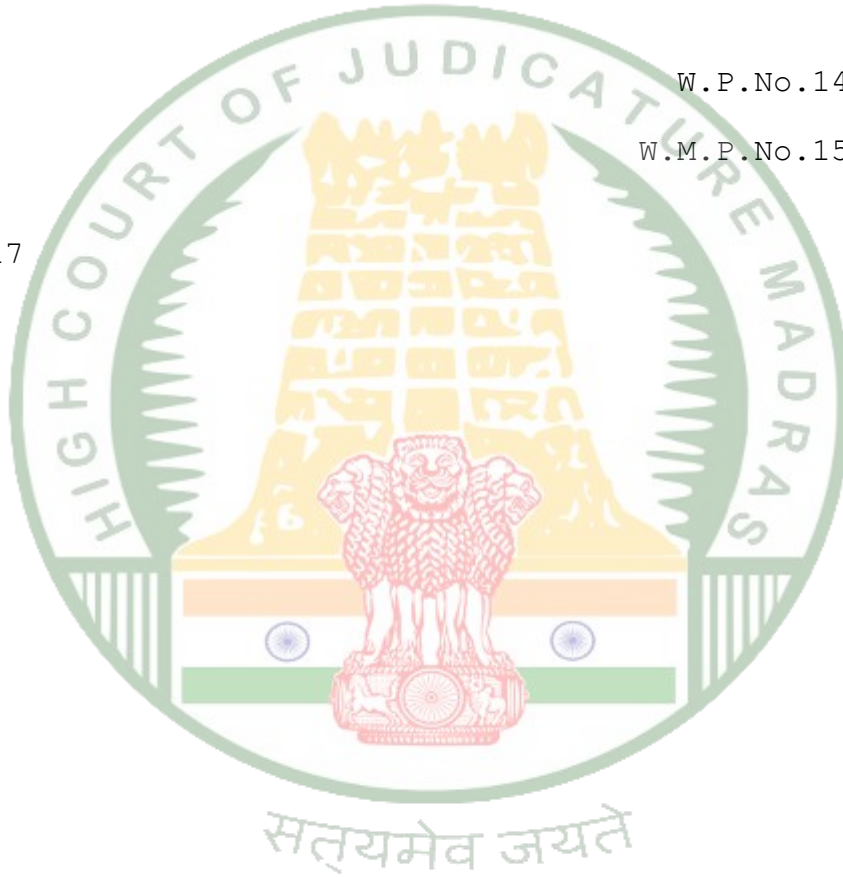
2. The President,
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3. The Enquiry Officer,
O/o. Deputy Registrar of Cooperative Societies,
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T.706, Eravancherry Primary Agricultural
Cooperative Credit Society Ltd.,
Alankudicherry Village,
Thittacherry Post - 609 703,
Nagapattinam Taluk & District.

+lcc to Mr.C.Prakasam, Advocate, S.R.No.43279
+lcc to the Government Pleader, S.R.No.43166

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and
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GJII(CO)
CS/21/07/17



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