

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.02.2017

CORAM :

THE HON'BLE MR. JUSTICE T.RAJA

W.P.No.3604 of 2017
and WMP.Nos.3634 and 3635 of 2017

P.Shanmugam
President

Nangavalli Primary Agricultural Co-operative
Credit Society No.S.777,
Nangavalli (Post)
Mettur Circle,
Salem District - 636 454.

...Petitioner

vs.

1.Joint Registrar of Co-operative Societies
4th Floor, Salem Collectorate,
Salem District - 636 001.

2.Deputy Registrar of Co-operative Societies,
Omalur Regional Office, Katchery Road,
Taluk Office Back side,
Omalur Taluk, Salem District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of certiorari calling for the records of the first respondent in Na.Ka.10740/2016, dated 19.01.2017 and quash the same and award costs.

For petitioner : Mr.V.Stalin

For respondents : Mr.V.Selvaraj, AGP (Co-op)

ORDER

This writ petition has been filed challenging the impugned notice issued under Section 88(1) of the Tamil Nadu Co-operative Societies Act, calling upon the petitioner to submit his explanation within 15 days from the date of receipt of the same, on the ground that when a proceeding is initiated for the supersession of the elected board of second respondent Society under Section 88 of the Tamil Nadu Co-operative Societies Act, 1983, without even furnishing the copy of the report submitted under Section 81 of the Act, the petitioner cannot be directed to submit his explanation. It was also further contended that without furnishing the report made ready under Section 81 of the

Act and without affording any opportunity to explain the case of the petitioner, the impugned proceeding proposed to supersede the elected board of the second respondent society cannot be proceeded.

2. This Court considering the fact that the first respondent has initiated proceedings for supersession of the second respondent Society, directed the respondents to take instruction whether the enquiry under Section 81 of the Act was completed and thereupon whether the copy of the report filed under Section 81 of the Act was or was not furnished to the petitioner.

3. In response, Mr.V.Selvaraj, learned Additional Government Pleader (Co-operative) submits before this Court that the enquiry under Section 81 of the Act is presently proceedings in the manner known to law. However, a preliminary enquiry conducted before the initiation of the 81 Enquiry was over and copy thereof was also made ready and the same is also handed over to Mr.V.Stalin, learned counsel appearing for the petitioner.

4. After receiving the same, this Court finds that the petitioner should submit his explanation to the impugned show cause notice. Therefore, two weeks time is granted to the petitioner to submit his detailed explanation to the first respondent. On receipt of the same, it is open to the first respondent to proceed further in the manner known to law.

5. With these directions, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

To

1.Joint Registrar of Co-operative Societies
4th Floor, Salem Collectorate,
Salem District - 636 001.

2.Deputy Registrar of Co-operative Societies,
Omalur Regional Office, Katchery Road,
Taluk Office Back side,
Omalur Taluk, Salem District.

+1cc to M/S. Row & Reddy, Advocate Sr. 10180

+1cc to Government Pleader Sr. 10219

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GMI (CO)
VR(13/03/2017)



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