

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.06.2017

CORAM:

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

W.P.No.16036 of 2017
& W.M.P.No.17325 of 2017

P.G.Jayapathi

...Petitioner

Versus

1. The Joint Registrar,
Co-operative Societies,
Sathuvachari, Near to Collector Office,
Vellore.
 2. The Deputy Registrar of
Co-operative Societies,
Ranipettai Division,
No.56/21, Arcot Road,
Ranipettai, Vellore District.
 3. A.Elangovan,
The Sub Registrar of Co-operative Societies,
Field Officer, Kaveripakkam,
Arakkonam Taluk, Vellore District.
 4. The Secretary,
C-2602 the primary Agricultural Co-operative Bank,
Kaveripakkam, Arakkonam Taluk,
Vellore District.
- .. Respondents

Prayers: The Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Certiorarified Mandamus to call for the entire records of the order of 2nd respondent in Na.Ka.No.381 of 2017 Tho.Vee, dated 08.05.2017 and quash the same is illegal and further direct the 2nd respondent to appoint some other person from some other place as enquiry officer to enquire the issue between the petitioner and the 4th respondent in refusing to sanction agricultural loan to the petitioner.

For Petitioner : Mr.A.Gouthaman

For RR1 to 3 : Ms.T.Giri, Government Advocate

RR4 : Mr.L.P.Shanmugasundaram, Spl.G.P.

O R D E R

The petitioner has filed this petition to call for the entire records of the order of 2nd respondent in Na.Ka.No.381 of 2017 Tho.Vee, dated 08.05.2017 and quash the same as illegal and further to direct the 2nd respondent to appoint some other person from some other place as enquiry officer to enquire the issue between the petitioner and the 4th respondent in refusing to sanction the agricultural loan to the petitioner.

2. According to the petitioner, he has made a complaint to the 2nd respondent on 03.04.2017 that the 4th respondent is refusing to sanction agricultural loan to him, as civil dispute exists between them. The 2nd respondent in turn, directed the 3rd respondent / Sub Registrar of Co-operative Societies to conduct enquiry and submit a report within 3 days. Pursuant to the said letter, the 3rd respondent sent a notice to the petitioner to appear for enquiry to be held on 13.06.2017 at 11.30 AM. On receipt of the said letter, the petitioner objected that the enquiry should not be conducted by the present Sub-Registrar (third respondent herein). Hence, the present Writ Petition is filed for the above said relief.

3. Per contra, the learned counsel appearing for the respondents submitted that on the basis of the complaint made by the petitioner, the second respondent has directed the third respondent to conduct enquiry and submit a report. Instead of participating and co-operating for the enquiry, the petitioner, without any basis and materials, objected for the enquiry to be conducted by the Sub-Registrar (third respondent). Therefore, the writ petition is liable to be dismissed.

4. Heard the learned counsel appearing for both sides and perused the materials available on record.

5. By considering the submission made by the petitioner against the third respondent, it is seen that the petitioner alleged that the 4th respondent has not sanctioned the agricultural loan to the petitioner due to personal enmity between them. In fact, the dispute between the petitioner and the 4th respondent is pending before a Civil Court. On the basis of the complaint made by the petitioner, the second respondent directed the third respondent to conduct enquiry and submit a report. On such appointment of the third respondent as the enquiry officer, the petitioner submitted a letter of objection on 10.06.2017 for the same. The petitioner has not placed any particular allegation against the third respondent. On the basis of presumption made by the petitioner that the 3rd respondent and 4th respondent are working in the same place and there is a possibility of collusion between

them, the present Writ Petition is filed to appoint some other person from some other place as enquiry officer in the place of the third respondent.

6. The averments of the petitioner are without any basis by producing appropriate material to show that there are mala-fide reasons on the part of the 3rd respondent in conducting enquiry, hence this Court cannot entertain such objections to appoint some other enquiry officer. Therefore, the contention of the petitioner is liable to be rejected. The Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/--

Asst.Registrar

/true copy/

Sub Asst. Registrar

pvs

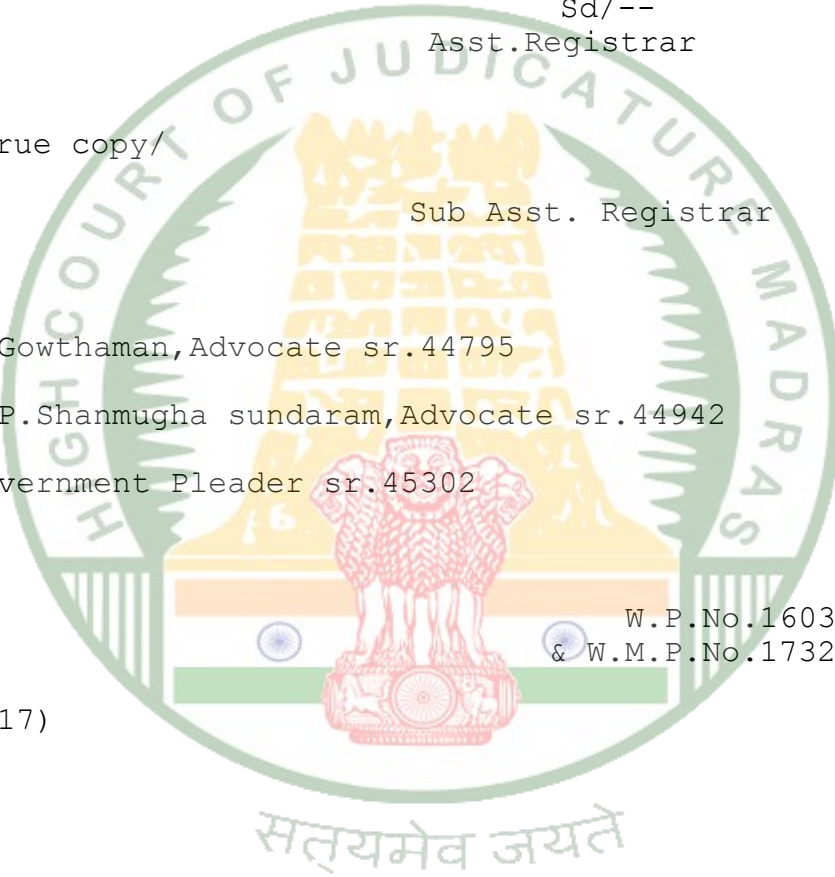
+1cc to A.Gowthaman, Advocate sr.44795

+1cc to L.P.Shanmugha sundaram, Advocate sr.44942

+1cc to Government Pleader sr.45302

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ss(19/7/2017)



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