

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.09.2017

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.18549 of 2016

T.Umarani

... Petitioner

Vs.

1. The Deputy Registrar of Co-operative Societies (Non Credit)
Kuralagam, Chennai-108.
 2. C.Gomathi,
Section 82 Inspection Officer/Co-operative Sub Registrar,
AIWFC Women's Consumers Co-operative Stores Ltd.,
No.5/3, Thayar Sahib Street, Mount Road, Chennai-2.
 3. The Management of AIWFC Women's Consumers
Co-operative Stores Ltd.,
Rep. By its President,
No.5/3, Thayar Sahib Street,
Mount Road, Chennai - 2.
- ... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records relating to Na.Ka.3196/2014/Nu.Ku.1 dated 08.02.2016 passed by the first respondent herein and quash the same as being illegal, arbitrary, unconstitutional.

For Petitioner : Mr.T.Sundaravadanam

For Respondents: Mr.L.P.Shanmugasundaram
Special Government Pleader
(Co-operatives)

O R D E R

The order passed by the first respondent in proceedings dated 08.02.2016, invoking section 82 of the Tamil Nadu Co-operative Societies Act, is under challenge in this writ petition.

2.Section 82 of the Tamil Nadu of the Co-operative Societies Act, provides inspection and investigation. The Registrar may, of his own motion, or on the application of a creditor of a registered Society inspect or investigate or direct any person authorized by him in this behalf by general or special order in writing to inspect the affairs of the registered Society in general or to investigate into any alleged misappropriation, fraudulent retention of any money or property, breach of trust, corrupt practice or mismanagement in relation to that Society or into any particular aspect of the working of that Society and the Registrar or the person so authorized shall

have all the powers of the Registrar when holding an inquiry under Section 81.

3. On perusal of the entire provision, it is clear that the Registrar may exercise the power of inspection and investigation in respect of the complaint received relating to the irregularities or illegalities etc., committed by the management or employees of the Co-operative Societies. Section 82 contemplates inspection and investigation. Such an inspection and investigation will not provide a cause of action for the writ petitioner to move this writ petition.

4. Inspection and investigation is a preliminary stage contemplated under the Act, and therefore, if any order was passed, thereafter, based on the reports submitted under Section 82, then only the writ petitioner can get a cause of action, but not otherwise.

5. A mere order of the Registrar under Section 82 of the Co-operative Societies Act, ordering for inspection and investigation, cannot be construed as a final order and it is only inspection and investigation and therefore, the writ petitioner is not an aggrieved person, so as to entertain this writ petition under Article 226 of the Constitution of India.

6. The power of Registrar under the Tamil Nadu Co-operative Societies Act, in this regard is delegated to the Deputy Registrar of the Co-operative Societies and the first respondent herein had invoked the powers under Section 82, rightly and absolutely there is no infirmity. Thus, the writ petitioner is not an aggrieved person and there is no cause brought out, enabling this Court to consider the writ petition on merits. Further, the writ petitioner cannot be construed as an aggrieved person.

7. Thus, the writ petition is not maintainable. Accordingly the same is dismissed as not maintainable. However, there shall be no order as to costs.

Sd/-

Asst. Registrar

/true copy/

Sub Asst. Registrar

msm

To

1. The Deputy Registrar of Co-operative Societies (Non Credit)
Kuralagam, Chennai-108.

+1 CC to Mr.T.Sundaravadanam, Advocate SR.No.70039

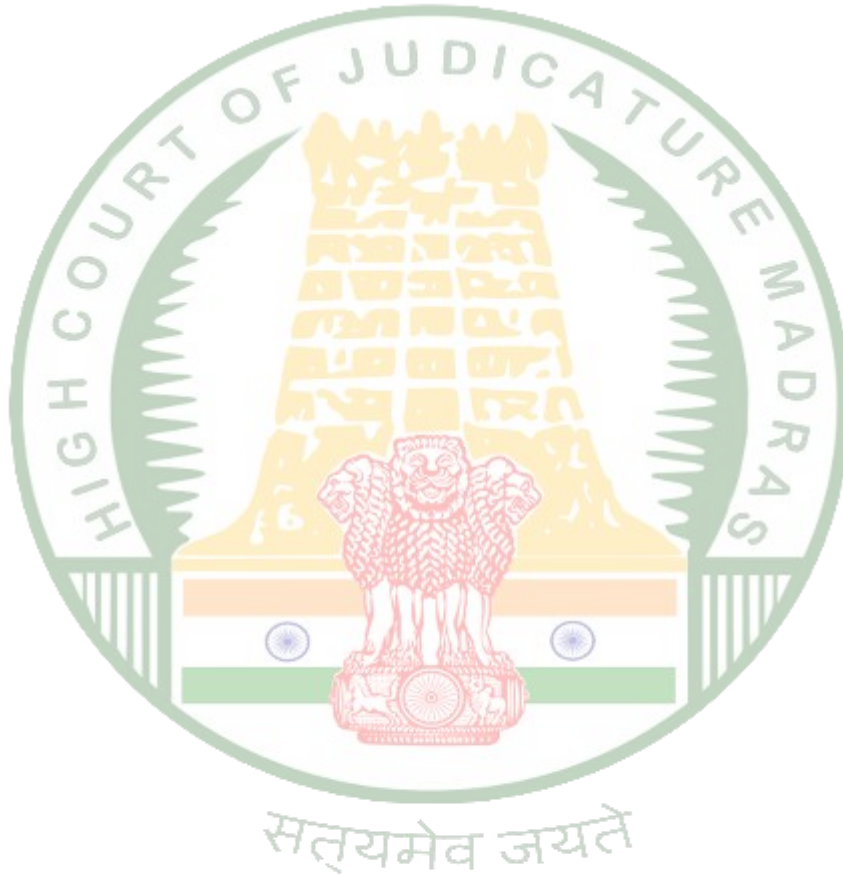
+1 CC to Mr.L.P.Shanmugasundaram, Advocate SR.No.70773

+1 CC to Government Pleader Advocate SR.No.70821

CO-

ths : 27.10.2017

W.P.No.18549 of 2016



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