

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 11.10.2017
CORAM
THE HONOURABLE MR.JUSTICE K. RAVICHANDRABAABU
W.P.No.26589 of 2017
and
WMP No.28304 of 2017

P.Arumugam

... Petitioner

vs.

The Deputy Registrar of Co-operative Societies
Namakkal Circle, Namakkal.

...Respondent

PRAYER:

Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, forbearing the respondent from proceeding under Section 87(1) of the Tamil Nadu Co-operative Societies Act against me pursuant to the surcharge notice in Na.Ka.6215/2016.tho.Ve.Sa dated 28.04.2017 without furnishing the copies of the documents required in the petitioner representation dated 17.05.2017 and 19.09.2017.

For Petitioner : Mr.M.S.Palaniswamy

For Respondent : Mr.V.Selvaraj

Additional Government Pleader

O R D E R

Mr.V.Selvaraj, learned Additional Government Pleader takes notice for the respondent. By consent of the parties, the main writ petition itself is taken up for final disposal at the admission stage itself.

2. Heard both sides.

3. The petitioner seeks for a mandamus forbearing the respondent from proceeding pursuant to the surcharge notice dated 28.04.2017, without furnishing the copies of the documents required by the petitioner through his representations dated 17.05.2017 and 19.09.2017.

4. Mr.M.S.Palaniswamy, learned counsel for the petitioner submitted that the petitioner, a suspended employee of Naraikinaru Primary Agricultural Co-operative Credit Society Ltd., Namakkal, was issued with a surcharge notice dated 28.04.2017 and the petitioner sought for copies of certain

documents relied on in the said notice through his representations dated 17.05.2017 and 19.09.2017. However, the respondent refused to furnish the same, by stating that the petitioner should pay a sum of Rs.10,000/- for furnishing those documents. He has also invited this Court's attention to the proceedings dated 25.09.2017 issued by the respondent herein indicating the requirement of payment of Rs.10,000/- for furnishing those documents.

5. Needless to say that when the surcharge notice referred to certain documents relied on by the Department against the petitioner, the copies of the same have to be furnished to the petitioner, so as to enable him to effectively defend the said proceedings. As such duty is cast upon the respondent mandatorily, there is no requirement to collect any money from the petitioner, for furnishing those documents. Therefore, I find that the grievance of the petitioner is well founded and consequently, the respondent is bound to furnish such of those documents to the petitioner, which are relied on in the surcharge notice. Accordingly, this writ petition is disposed of, by directing the respondent to furnish such of those documents which are relied on in the surcharge notice dated 28.04.2017 to the petitioner within a period of two weeks from the date of receipt of a copy of this order. On receipt of such documents, the petitioner shall furnish a reply within a period of two weeks thereafter and participate in the surcharge proceedings. No costs. Consequently, connected miscellaneous petition is closed.

/sd/

Assistant Registrar

/True Copy/

Sub Assistant Registrar

mk

To

The Deputy Registrar of Co-operative Societies
Namakkal Circle,
Namakkal.

+2 CC to Govt., Pleader , Advocate Sr.73384 & 73702

W.P.No.26589 of 2017

MD: 27/10/2017