

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.10.2017

CORAM

THE HONOURABLE MR.JUSTICE K. RAVICHANDRABAABU

W.P.No.27823 of 2017

and

WMP No.29818 of 2017

1.S.P.Kandasmy
President,
Co-operative Credit Society Ltd.,
Mohanur, Namakkal District.
2.P.Dhandapani
3.P.Shanmugam
4.A.Karthikeyan
5.M.Vasantha
6.M.P.Elango
7.S.Vijayalakshmi
petitioners 2 to 7 are the
Board of Directors
Co-operative Credit Society Ltd.,
Mohanur, Namakkal District. Petitioners

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 us pursuant to the surcharge notice in Na.Ka.4652/2016.tho.Ve.Sa dated 30.03.2017 without furnishing the copies of the documents required in the petitioners individual representation dated 28.08.2017.

For Petitioners : Mr.M.S.Palaniswamy
For Respondent : Mr.L.P.Shanmugasundaram
Standing Counsel

O R D E R

Mr.L.P.Shanmugasundaram, learned Standing Counsel 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 petitioners seek for a mandamus forbearing the respondent from proceeding pursuant to the surcharge notice dated 30.03.2017, without furnishing the copies of the documents required by the petitioners through their individual representation dated 28.08.2017.

4. Mr.M.S.Palaniswamy, learned counsel for the petitioners submitted that the petitioners, are the board of directors of Mohanur Primary Agricultural Co-operative Credit Society Ltd., Namakkal, were issued with the surcharge notice dated 30.03.2017 and the petitioners sought for copies of certain documents relied on in the said notice through their individual representation dated 28.08.2017. However, the respondent refused to furnish the same, by stating that the petitioners should pay a sum of Rs.5,000/- for furnishing those documents. He has also invited this Court's attention to the proceedings dated 26.09.2017 issued by the respondent herein indicating the requirement of payment of Rs.5,000/- for furnishing those documents.

5. Needless to say that when the surcharge notice referred to certain documents relied on by the Department against the petitioners, the copies of the same have to be furnished to the petitioners, so as to enable them 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 petitioners, for furnishing those documents. Therefore, I find that the grievance of the petitioners is well founded and consequently, the respondent is bound to furnish such of those documents to the petitioners, 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 30.03.2017 to the petitioners within a period of two weeks from the date of receipt of a copy of this order. On receipt of such documents, the petitioners 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.

+1 C.C. to M/S.T.S.PALANISWAMY, Advocate SR.No. 77340
+1 C.C. to M/S. The Government Pleader SR.No. 77638

W.P.No.27823 of 2017

SK(CO)
T.R (16/11/2017)



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