

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.04.2017

CORAM:

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

W.P. No. 20578 of 2016

K. Karunanithy

.. Petitioner

/Vs/

1. The Registrar of Co-operative Societies, Natarajan Maligai
E.V.R. Periyar Road
Kilpauk, Chennai - 10.
2. The Managing Director /
Joint Registrar
The District Central Cooperative
Bank Ltd.,
Thiruvannamalai District.
3. The Deputy Registrar of
Cooperative Societies,
Vengikkal, Thiruvannamalai
Thiruvannamalai District.
4. The President / Secretary
H.H. 521, Cooperative Credit
Society, Melpallipattu
Chengam Taluk
Thiruvannamalai District.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents 1 and 2 to consider the petitioner's representation dated 22.02.2016 and 02.05.2016 and depute the enquiry officer to conduct the detailed enquiry against the fourth respondent and take action against them and pass further orders.

For Petitioner : Mr. A.E. Kalaiselvan

For Respondents : Mr.V. Selvaraj

Addl. Govt. Pleader for R1 to R3

Mr. L. P. Shanmughasundaram

Spl. Govt. Pleader for R4

O R D E R

This Writ Petition has been filed seeking to direct the respondents 1 and 2 to consider his representations dated 22.02.2016 and 02.05.2016 and depute an enquiry officer to conduct a detailed enquiry, against the 4th respondent and take action against him.

2. Learned counsel for the petitioner submitted that the petitioner mortgaged 37 gms of gold in the 4th respondent's society. Since the petitioner was unable to repay the loan, the 4th respondent decided to bring the gold for sale in public auction and adjust the loan amount from that. According to the petitioner, the 4th respondent has sold his gold fraudulently and has committed misappropriation in the society. Therefore, the petitioner made complaints before the 1st respondent on 22.02.2016 and 02.05.2016 to conduct detailed enquiry on 4th respondent. But, the respondents have not taken any action and hence this writ petition has been filed.

3. Learned Additional Government Pleader produced a copy of the letter No.Na.Ka.3359/2016/SaPa dated 25.04.2017 of the Sub Registrar, Tiruvannamalai addressed to the petitioner, stating that pursuant to the complaint dated 22.03.2016, proceedings have been initiated against the 4th respondent, under Section 81 of the Tamil Nadu Cooperative Societies Act.

4. In view of the aforesaid letter, placed before this Court, nothing survives for adjudication. The letter dated 25.04.2017 shall form part of the record.

5. Accordingly, the writ petition is dismissed. However, it is open to the respondents, to proceed with the enquiry, in accordance with law. No order as to costs.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

avr

To

1. The Registrar of Co-operative Societies, Natarajan Maligai
E.V.R. Periyar Road
Kilpauk, Chennai - 10.

2. The Managing Director /
Joint Registrar
The District Central Cooperative
Bank Ltd.,
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3. The Deputy Registrar of
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Thiruvannamalai District.

4. The President / Secretary
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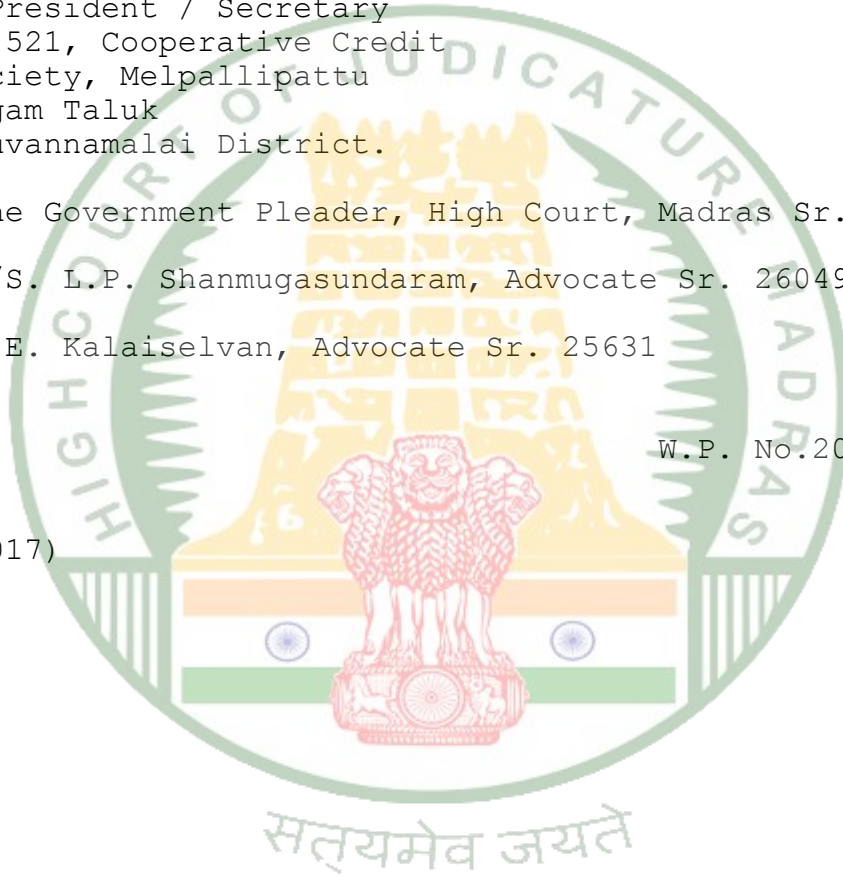
+1cc to the Government Pleader, High Court, Madras Sr. 36520

+1cc to M/S. L.P. Shanmugasundaram, Advocate Sr. 26049

+1cc to A.E. Kalaiselvan, Advocate Sr. 25631

W.P. No.20578 of 2016

SJ(CO)
VR(24/5/2017)



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