

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.07.2017

CORAM :

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

W.P. No. 36958 of 2015  
and  
M.P. No.1 of 2015

R. Murugesan .. Petitioner

Vs.

1. The Deputy Registrar of  
Co-operative Societies  
Thiruvannamalai Circle  
Thiruvannamalai.
2. The Co-operative Sub Registrar  
Enquiry Officer  
The Chengam Agri Producers  
Co-op Marketing Society Ltd.,  
O/o.The Dy Registrar of  
Cooperative Societies  
Thiruvannamalai.
3. The Chengam Agri Producers  
Co-op Marketing Society Ltd.,  
Chengam, Thiruvannamalai  
Rep. By its President. .. Respondents

PRAYER: This Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, forbearing 1<sup>st</sup> respondent from initiating further action on the basis of the inquiry report, if any, submitted by the 2<sup>nd</sup> respondent under Section 81 of the Tamil Nadu Co-operative Societies Act 1983, in the purchase and sale of rice during the period 2000-2001 in the 3<sup>rd</sup> respondent society based on the belated audit report dated 11.03.2015 submitted after fourteen years contrary to the mandatory provision of Section 80 of the Tamil Nadu Co-operative Societies Act, 1983 as the said belated report could not form basis of any action under any law for the time being in force and pass further orders.

For Petitioner : Mr. S. Venkataraman  
For Respondents: Ms. T. Girija,  
Government Advocate R1 & R2  
: Mr. R. Bala Ramesh for R3

## O R D E R

This Writ Petition has been filed seeking to forbear the 1<sup>st</sup> respondent from initiating further action on the basis of the inquiry report, if any, submitted by the 2<sup>nd</sup> respondent under Section 81 of the Tamil Nadu Co-operative Societies Act 1983, in the purchase and sale of rice during the period 2000-2001 in the 3<sup>rd</sup> respondent society based on the belated audit report dated 11.03.2015 submitted after 14 years contrary to the mandatory provision of Section 80 of the Tamil Nadu Co-operative Societies Act, 1983 as the said belated report could not form basis of any action under any law for the time being in force.

2. The learned counsel for the petitioner submitted that the petitioner was employed as Secretary (i/c) of the 3<sup>rd</sup> respondent Society. The petitioner was due to retire from service on 31.01.2004. But, on 30.01.2004 the petitioner was suspended from service contemplating disciplinary proceedings. After series of litigations finally, the petitioner was allowed to retire with retrospective effect from 31.01.2004 and was paid some of his terminal benefits and for the non-settlement of the balance amount, a writ petition is pending before this Court. The Revision petition filed by the petitioner, under Section 153 of the Tamil Nadu Cooperative Societies Act, 1983 claiming subsistence allowance from 30.01.2004 to 26.06.2014, is also pending before the Joint Registrar of Co-operative Societies, Thiruvannamalai. On 05.10.2015, the 2<sup>nd</sup> respondent issued a summon directing the petitioner to attend the enquiry initiated under Section 81 of the Act. On receipt of the said summon, the petitioner made a representation on 08.10.2015, demanding list of documents for the irregularities committed in the 3<sup>rd</sup> respondent society during the period 2000-01, since 14 years have lapsed from the date of occurrence. Thereafter, the 2<sup>nd</sup> respondent issued a fresh summon and the petitioner submitted a detailed representation. Immediately, another summon was served on the petitioner, directing him to appear for enquiry on 26.10.2015 at 11.00 a.m. The petitioner filed W.P. No. 34645 of 2015 before this Court, seeking to furnish list of documents in connection with the alleged irregularities committed during the year 2000-01. The aforesaid writ petition was withdrawn, without prejudice to the future rights of the petitioner, since the 2<sup>nd</sup> respondent sent a communication dated 26.10.2015 permitting the petitioner to peruse the documents and take copies thereof. Thereafter, the petitioner appeared for enquiry and requested to furnish the list of documents which should be perused. The enquiry officer declined to furnish the copies based on the letter given across the table and posted the enquiry on 06.11.2015. Therefore, the petitioner has filed the present writ petition seeking the aforesaid prayer.

3. The learned Additional Government Pleader would submit that pursuant to the interim orders granted by this Court, enquiry is yet to be completed. He further submitted that the grievance of the petitioner is non-furnishing of the documents by the department and that the same would be furnished to the petitioner, in accordance with law.

4. At this stage, learned counsel for the petitioner would submit that the department has furnished the audit report to the petitioner and it would be suffice, if the petitioner is permitted to submit his explanation to the authority, within the period stipulated by this Court. He further requested that the respondents may be directed to consider his explanation in detail and pass reasonable orders.

5. In view of the aforesaid submission made by the learned counsel for the petitioner, the petitioner is permitted to submit his explanation to the 2<sup>nd</sup> respondent, within a period of two weeks from the date of receipt of a copy of this order. Thereafter, the 1<sup>st</sup> respondent is directed to consider the explanation of the petitioner, including the fact that the action initiated under Section 81 is barred by limitation, as expeditiously as possible, within a period of twelve weeks thereafter, in accordance with law.

6. The Writ Petition is disposed of, with the above observation. Consequently, the connected M.P is closed. No costs.

Sd/-

सत्यमेव जयते  
Assistant Registrar(J)

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Sub Assistant Registrar

avr

To

1. The Deputy Registrar of  
Co-operative Societies  
Thiruvannamalai Circle  
Thiruvannamalai.

2. The Co-operative Sub Registrar  
Enquiry Officer  
The Chengam Agri Producers  
Co-op Marketing Society Ltd.,  
O/o.The Dy Registrar of  
Cooperative Societies  
Thiruvannamalai.

3. The President.  
Chengam Agri Producers  
Co-op Marketing Society Ltd.,  
Chengam, Thiruvannamalai.

+ 1 cc to Mr. S. Venkataraman, Advocate Sr.48168

+ 1 cc to Government Pleader SR.48804

W.P. No. 36958 of 2015  
and  
M.P. No.1 of 2015

AR-J  
EU 7.09.17

सत्यमेव जयते

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