

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.10.2017

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.40773 of 2002

1.S.Shanmugam
2.Veerapandiyan .. Petitioners

Vs

1. The Registrar of Co-op. Societies
EVR Salai, Kilpauk, Chennai.
2. The Joint Registrar of Co-op. Societies
Thiruvarur
3. The Deputy Registrar of Co-op. Societies
Mannargudi
4. The Special Officer
Peruvidaimarudhur Primary Agricultural
Co-op. Bank, Peruvidaimaruthur
5. The Enquiry office Co-op. Sub Registrar
Peruvidaimarudhur Primary Agricultural
Co-op. Bank, Muthupettai. .. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records of the respondents and particularly that of 5th respondent enquiry reports (two reports) dated 04.07.2001 and quash the same as illegal and unconstitutional and consequently direct the respondent to relieve the petitioner from charges as a fact.

For Petitioner : No appearance
For R1 : Mr.R.Vijayakumar
Additional Government Pleader
For R2 to R5 : Mr.L.P.Shanmugasundaram
Special Government Pleader
(Co-operatives)

O R D E R

The proceedings of the Deputy Registrar of Co-operative Societies dated 04.07.2001, ordering for an enquiry under section 81 of the Tamil Nadu Co-operative Societies Act

is under challenge in this Writ Petition. Further, a direction is sought for to relieve the Writ petitioners from the charges.

2.The Writ Petitioners are Employees of the Co-Operative Societies and the Deputy Registrar of Co-Operative Societies, Mannargudi passed an order in proceedings dated 27.09.2000, ordering for an enquiry under section 81 of the Tamil Nadu Co-Operative Societies Act.

3. Section 81 of Tamil Nadu Co-operative Societies Act states that the Registrar may, of his own motion and shall, on the application of the majority of the board or of not less than 1/3rd of the members or on the request of the financing bank or of the District Collector, hold an inquiry, or direct some person authorized by him by order in writing in this behalf to hold an inquiry into the constitution, working and financial condition of a registered society or 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.

4. Thus, it is clear that an enquiry ordered by the Deputy Registrar is a preliminary stage wherein the competent authorities have to conduct inspection and investigation into the affairs of the Co-Operative Societies and submit a report.

5.It has pointed out that an enquiry officer has been appointed, who in turn has to conduct an enquiry and submit a report.

6. The enquiry report submitted under section 81 of the Tamil Nadu Co-Operative Societies Act forms the basis for initiating actions against the erred officials. Thus, the mere ordering of an enquiry under section 81 will not provide a cause for the writ petitioners to file this writ petition under article 226 of the Constitution of India. A mere ordering of an enquiry under section 81 to conduct an enquiry into the affairs of the Co-Operative Society cannot be construed as a cause for the writ petitioners. Thus, the writ petitioners are not aggrieved persons under law.

7.If any action is initiated based on an enquiry report, then it is left open the writ petitioners to adjudicate the matter in the manner known to law. Accordingly, the grounds raised in the writ petition deserves no further consideration as the writ petitioners are not aggrieved persons and there is no cause for moving this writ petition.

8. Accordingly, the writ petition stands dismissed.
However, there is no order as to costs.

-sd/-

Assistant Registrar

True Copy

Sub-Assistant Registrar

To

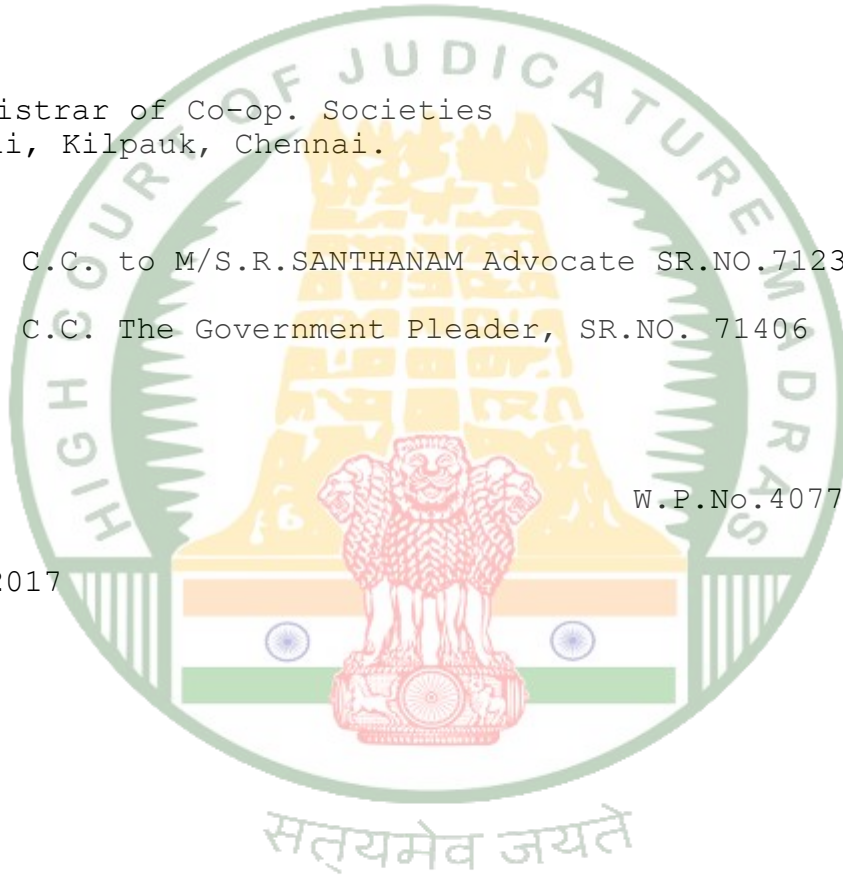
1. The Registrar of Co-op. Societies
EVR Salai, Kilpauk, Chennai.

+1 C.C. to M/S.R.SANTHANAM Advocate SR.NO.71238

+1 C.C. The Government Pleader, SR.NO. 71406

W.P.No.40773 of 2002

VS 28.10.2017



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