

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.06.2017

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.25633 of 2013
and
M.P. Nos. 1 & 2 of 2013

R.Purusothaman
The President
The Nilgiris District Teachers Cooperative
Thrift & Credit Society No.J.333 ... Petitioner

Vs.

1. The Registrar of Cooperative Societies
No.170, EVR Periyar Salai
Kilpauk, Chennai - 10.
2. Joint Registrar of
Cooperative Societies
Nilgiris Region at Udagamandalam.
3. The Cooperative sub Registrar/
Inspection Officer
NVGA Buildings, Chering Cross
Ooty - 643 001. ... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorari, calling for records relating to the 2nd respondent's order made in Na.Ka. No. 3722/2013-A4 dated 29.08.2013, to quash the same and to pass further orders.

For Petitioner : Mr.L.Chandrakumar
For Respondents : Mr.V.Selvaraj for R1 to R3

ORDER

The petitioner has filed this writ petition seeking to direct the respondents to quash the order of the 2nd respondent made in Na.Ka. No. 3722/2013-A4 dated 29.08.2013.

2. Learned counsel for the petitioner submitted that the petitioner Society is said to have suffered a loss of 1.5 crores during the financial year 01.04.2011 and 31.03.2012.

According to the petitioner, the said loss had occurred due to the connivance of Mr.V.Selvaraj, Assistant Director and Mr.C.Cibi Cooperative Audit Officer, who have chosen to submit the audit report with manipulations, interpolation, insertions, etc., after the same have been finalised by obtaining signature from the competent persons and therefore the petitioner in his capacity of President submitted a representation dated 03.06.2013 and sought for re-auditing of accounts. While so, the 2nd respondent issued a notice under Section 82 of the Act, directing the petitioner to appear for inquiry. Based on the report, the 2nd respondent issued the impugned notice dated 29.08.2013, of dissolution of the Society. Aggrieved by the same, the petitioner has filed this writ petition seeking the aforesaid prayer.

3. Learned counsel for the respondents, objected for the maintainability of the writ petition on the ground that the petitioner has filed the aforesaid writ petition, in the capacity of President of the Society. Further, it is submitted that the Board of the petitioner Society has been dissolved and an Administrator has been appointed for the petitioner's society namely, the Nilgiris District Teachers Co-operative Thrift & Credit Society. Hence, the writ petition is not maintainable before this Court. Learned Special Government Pleader would further submit that against the order passed under Rule 87 of the Tamil Nadu Cooperative Societies Act, the aggrieved persons in the individual capacity have preferred appeals before the Tribunal. Hence, this writ petition is not maintainable.

4. Heard the learned counsel for the petitioner and the learned counsel for the respondents and perused the material available on record.

5. In view of the statement made by the learned counsel for the respondents that the other members of the petitioner Society have filed Writ Petitions before this Court, the present writ petition filed in the capacity of President of the Nilgiris District Teachers Co-operative Thrift & Credit Society, Uthagamandalam, and now that the society has been dissolved and an Administrator has been appointed, the present Writ Petition itself is not maintainable before this Court.

6. Therefore, the Writ Petition is dismissed as not maintainable. Consequently, the connected M.Ps are closed. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

avr

To

1. The Registrar of Cooperative Societies
No.170, EVR Periyar Salai
Kilpauk, Chennai - 10.
2. The Joint Registrar of
Cooperative Societies
Nilgiris Region at
Udagamandalam.
3. The Cooperative sub Registrar/
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Ooty - 643 001.

+1cc to the Government Pleader, S.R.No.40054

W.P.No.25633 of 2013
and
M.P. Nos. 1 & 2 of 2013

BR(CO)
CA(28/07/2017)



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