

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.06.2017

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.17231 of 2013
and
M.P. Nos. 1 & 2 of 2013

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

Vs.

1.The Joint Director
Office of the Director of Cooperative
Audit, Slum Clearance Board
Kamarajar Salai, Chennai-5.

2.The Assistant Director
Office of the Assistant Director of
Cooperative Audit
NVGA Buildings, Chering Cross
Ooty - 643 001.

3.Mr. V. Selvaraj
Assistant Director
Office of the Assistant Director of
Cooperative Audit
NVGA Buildings, Chering Cross
Ooty - 643 001.

4.Mr. C. Cibi
S/o. K. Chandran
Cooperative Audit Officer
Thangadu Village
T. Oranalli P.O.,
Nilgiris District.

5.Joint Registrar of
Cooperative Societies
NVGA Buildings, Chering Cross
Ooty - 643 001.

6. Deputy Registrar of
Cooperative Societies
NVGA Buildings, Chering Cross
Ooty - 643 001.

7. The Nilgiris Central Cooperative Bank
NVGA Buildings, Chering Cross
Ooty - 643 001.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the respondents to consider the representation dated 03.06.2013 on merits and as per law by directing re-auditing of the society's accounts for the financial year 2011-2012, within a time to be stipulated by this Court and to pass further orders.

For Petitioner : Mr. L. Chandrakumar

For Respondents : Ms. T. Girija,
Government Advocate for R1, 2, 5 & 6

Mr. R. Krishnamoorthy for R4

Mr. L.P. Shanmugasundaram,
Special Government Pleader for R7

No Appearance for R3

ORDER

The petitioner has filed this writ petition seeking to direct the respondents to consider the representation dated 03.06.2013 on merits and as per law by directing re-auditing of the society's accounts for the financial year 2011-2012, within a stipulated time.

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. It is stated that the audit report which was supplied had manipulations, interlineations, insertions, etc., causing suspicion in the report, as it was on the face of records it could be established that the Balance Sheet was prepared, signature obtained from the competent persons and thereafter there is said to have occurred certain manipulations which was evident on a mere perusal of the same and therefore the petitioner in his capacity of President sought for re-enquiry before any further course of action. Aggrieved by the same, the petitioner has submitted a representation dated 03.06.2013.

Since no orders have been passed, the petitioner has filed this writ petition seeking the aforesaid prayer.

3. Learned counsel for the 4th respondent, 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.

4. Learned Special Government Pleader would 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.

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

6. In view of the statement made by the learned counsel for the respondents that the other Directors 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.

7. Therefore, the Writ Petition is dismissed as not maintainable. Consequently, the connected M.P is closed. No costs.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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

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



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