

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.03.2017

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No. 38700 of 2016

and W.M.P.Nos.33154 and 33155 of 2016

and W.M.P.No. 34179 of 2016

S.Subramanian

...Petitioner

vs.

1.The Deputy Registrar of
Co-operative Societies,
Ariyalur Circle,
Ariyalur,
Ariyalur District.

2.Mr.Needhimani, Co-op Sub Registrar /
Enquiry Officer
O/o Deputy Registrar Co-op Societies,
Ariyalur Circle,
Ariyalur
...Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Certiorari, to call for the entire records relating to the impugned order passed by the first respondent in his proceedings Na.Ka.2503/2015/Sa.Pa, dated 20.10.2016 and quash the same in so far as the petitioner is concerned.

For Petitioner : Mr.C.Prakasam

For Respondents : Mr.L.P.Shanmuga Sundaram,
Special Govt. Pleader

ORDER

The petitioner has filed this writ petition to call for the entire records relating to the impugned order passed by the first respondent in his proceedings Na.Ka.2503/2015/Sa.Pa., dated 20.10.2016 and quash the same in so far as the petitioner is concerned.

2. The learned counsel for the petitioner submitted that the petitioner was elected as one of the Director and President of the Elupaiyur Primary Agricultural Co-operative Credit Society, Elupaiyur in the year 2013. Thereafter, the first respondent disqualified the petitioner to the post of President and ordered enquiry against the petitioner under Section 81 of the Tamil Nadu Co-operative Societies Act. The second respondent was appointed as Enquiry Officer and he submitted his report after completing the enquiry. Based on the enquiry report, the first respondent issued notice under Section 87(1) of the Tamil Nadu Co-operative Societies Act in his proceedings in Na.Ka.No.2503/2015/Sa.Pa, dated 20.10.2016 to the petitioner initiating surcharge proceedings and also calling for explanation without furnishing the enquiry report made under Section 81 of the Tamil Nadu Co-operative Societies Act. Challenging the same, the petitioner has come before this Court with the present writ petition.

3. The learned Special Government Pleader submitted that the impugned notice issued by the first respondent is only a show cause notice and the petitioner has to submit his explanation for the same before the first respondent and the first respondent shall consider the explanation submitted by the petitioner and pass appropriate orders on merits and in accordance with law.

4. I have heard the learned counsel for the petitioner and the learned Special Government Pleader appearing for the respondents.

5. Taking into consideration the facts and circumstances of the case and the submissions made by the respective parties, this Court is inclined to pass the following order.

"(i) The first respondent is directed to furnish a copy of the enquiry report made under Section 81 of the Tamil Nadu Co-operative Societies Act to the petitioner within a period of two weeks from the date of receipt of a copy of this order.

(ii) On receipt of the said enquiry report, the petitioner is directed to submit his explanation to the first respondent within a period of two weeks thereafter.

(iii) On receipt of the explanation submitted by the petitioner, the first respondent is directed to conduct an enquiry under Section 87 of the Tamil Nadu Co-operative Societies Act and pass appropriate

orders on merits and in accordance with law within a period of three months thereafter."

6. With the above said directions, the writ petition is disposed of. No costs. Consequently, connected W.M.Ps. are closed.

Sd/-
Assistant Registrar

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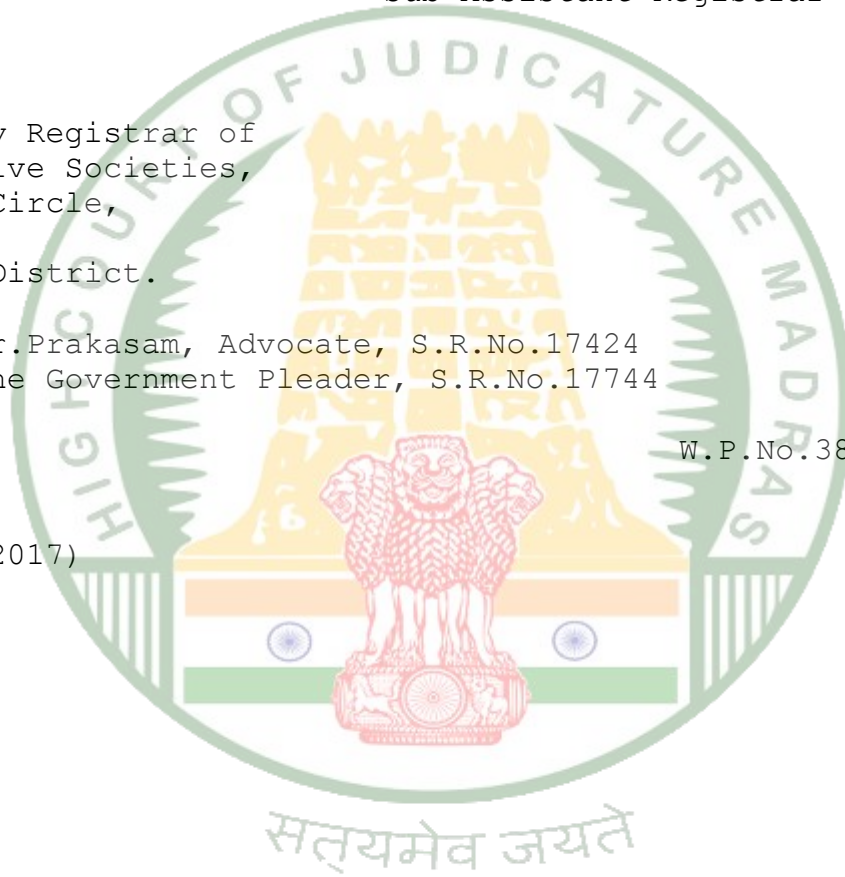
Sub Assistant Registrar

To
The Deputy Registrar of
Co-operative Societies,
Ariyalur Circle,
Ariyalur,
Ariyalur District.

+1cc to Mr.Prakasam, Advocate, S.R.No.17424
+1cc to the Government Pleader, S.R.No.17744

W.P.No.38700 of 2016

NRJK(CO)
RS(18/04/2017)



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