

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.06.2017

CORAM

THE HON'BLE MR. JUSTICE D. KRISHNAKUMAR

W.P. No.41880 of 2016

and

W.M.P.Nos.35867 & 35868 of 2016

1. Loganathan
2. Anjanamma
3. K.G.Prakash
4. Venkatesaperumal
5. Imran basha
6. Vijaya
7. Ayyapillai
8. Radhakrishnan

... Petitioners

Vs.

- 1.The Registrar of Co-operative Societies (Housing),
Annasalai, Nandanam,
Chennai.

- 2.The Deputy Registrar of
Co-operative Societies, (Housing),
Vellore Region,
Vellore - 6.

..Respondents

PRAYER: This Writ Petition is filed under Article 226 of the Constitution of India to issue WRIT OF CERTIORARI calling for the records of the order of permanent disqualification passed by the 1st respondent under Section 36 of the Tamilnadu Co-operative Societies Act, 1983 in Na.Ka.No.5776/ 2015/sa.pa 2 dated 27.10.2016 and quash the same.

For petitioner : Mr.M.S.Palaniswamy

For Respondents: Mr.S.T.S.Moorthy,
Additional Advocate General,

Assisted by Mrs.T.Girija,
Government Advocate.

O R D E R

This Writ Petition has been filed challenging the order of permanent disqualification passed by the 1st respondent, under Section 36 of the Tamilnadu Co-operative Societies Act, 1983, in Na.Ka.No.5776/ 2015/sa. pa 2 dated 27.10.2016 and quash the same.

2. During the previous hearing, this court directed the learned Government Advocate to produce the file relating to the impugned proceedings dated 27.10.2016 but the same has not been complied with. Hence, this Court directed Mr.K.M.Velliyangiri, the Registrar of Co-operative Societies (Housing) to be present before this Court. Today the Registrar was present in the Court. Learned Additional Advocate General representing the respondent Society, on instructions, submitted that the impugned order passed by the 1st respondent in Na.Ka.No.5776/ 2015/sa. pa 2 dated 27.10.2016 would be withdrawn. However, requested to grant liberty to the respondents to proceed in accordance with law.

3. At this stage, learned counsel for the petitioner would submit that earlier several writ petitions have been filed and allegations have been made against the respondent society.

4. Therefore, in the light of the above, with the consent of the parties, to meet the ends of justice, this Court directs the Director of Cooperative Audit, to inspect the documents of the petitioner Society and submit a report, within a period of two months from the date of receipt of a copy of this order. On receipt of such report, the 1st respondent is at liberty to proceed with the matter, on the basis of the report submitted by the Director of Cooperative Audit.

5. The Writ Petition is disposed of, with the above direction. The Implead Petition in W.M.P. No.38510 of 2016 is dismissed. No costs.

Sd/-
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

To

1.The Registrar of Co-operative Societies (Housing),
Annasalai, Nandanam,
Chennai.

2.The Deputy Registrar of Co-operative Societies, (Housing),
Vellore Region,
Vellore - 6.

+1cc to Mr.M.S.Palaniswamy,Advocate sr.41595

+1cc to Mr.V.Jeeva Giridharan,Advocate sr.41582

+1cc to Government Pleader sr.42122

W.P. No.41880 of 2016 and
W.M.P.Nos.35867 &
35868 of 2016

ks(co)
ss(17/7/2017)



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