

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.01.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.44705 of 2016

T.Manivannan

.. Petitioner

vs.

1.The Joint Registrar,
Cooperative Societies,
Joint Registrar Office,
Nagapattinam District.

2.The Assistant Registrar,
Cooperative Societies,
Assistant Registrar Office,
Nagapattinam District.

3.The President,
Nagapattinam Public Servant Cooperative
Societies Limited,
Nagapattinam District.

4.P.Devraj

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the first respondent to take action against the fourth respondent in view of the representation dated 19.09.2016.

For Petitioner : Mr.P.Balamurugan
For Respondents : Mr.L.P.Shanmugasundaram,
RR 1 to 3 Special Govt. Pleader (Coop.)

O R D E R

By consent, this Writ Petition is taken up for final disposal.

2. The petitioner, with regard to commission of offences under Sections 467, 468, 471, 448 and 506(ii) IPC altered to 120 (B), 467, 468, 471, 448 & 506 (ii) IPC on the part of the fourth respondent, who is an employee of the third respondent, has lodged a complaint in Crime No.04/2014 on the file of the District Crime Branch, Nagapattinam. The case, after investigation, has also culminated into a charge sheet. The grievance expressed by the petitioner is that though the fourth respondent was arrested on 09.04.2014 and enlarged on bail on 10.04.2014 in connection with the said case and despite criminal prosecution, no action has been taken against him inspite of the petitioner's representation dated 19.09.2016 and hence, came forward with this writ petition.

3. The learned counsel appearing for the petitioner would submit that since the fourth respondent is an employee of the third respondent Society and who is facing criminal prosecution, the third respondent is under obligation to take departmental action, though it was brought to the knowledge of the third respondent and hence, the petitioner is constrained to file this writ petition.

4. Heard the submissions of Mr.L.P.Shanmugasundaram, learned Special Government Pleader (Coop.) who accepts notice on behalf of the respondents 1 to 3 and perused the materials available on record.

5. A perusal of the typed set of documents would disclose that the second respondent, on receipt of the representation from the petitioner, has forwarded the same to the Deputy Registrar of Cooperative Societies, Nagapattinam District to conduct enquiry and inform the decision to the petitioner.

6. Though the petitioner has prayed for larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner, directs the Deputy Registrar of Cooperative Societies, Nagapattinam District, to act on the communication of the first respondent dated Na.Ka.No.89/2015/Aa2 dated 28.09.2016 and before doing so, shall put the fourth respondent on notice and thereafter pass orders on merits and in accordance with law on the representation of the petitioner dated 19.09.2016 within a period of ten weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner as well as the fourth respondent.

7. This Writ Petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

jvm

To

- 1.The Joint Registrar,
Cooperative Societies,
Joint Registrar Office,
Nagapattinam District.
- 2.The Assistant Registrar,
Cooperative Societies,
Assistant Registrar Office,
Nagapattinam District.
- 3.The President,
Nagapattinam Public Servant Cooperative Societies Limited,
Nagapattinam District.
- 4.The Deputy Registrar of Cooperative Societies,
Nagapattinam District.

+1cc to Mr.P. Balamurugan, Advocate, S.R.No.364
+1cc to Mr.P. Shanmugasundaram, Advocate, S.R.No.465
+1cc to the Government Pleader, S.R.No.1169

RP(CO)
md(20/01/2017)

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