

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.09.2017

CORAM:

THE HON'BLE MR. JUSTICE D. KRISHNAKUMAR

W.P.No.5830 of 2016
and
W.M.P.No.5176 of 2016

M.Nehru,
President,
The K.K.260 Thonganoor
Primary Agricultural
Co-operative Credit Society Ltd.
Chinthalpadi Post,
Pappireddypatti Taluk,
Dharmapuri District ... Petitioner

vs.

The Deputy Registrar of
Co-operative Societies,
(Full Additional Charge)
Dharmapuri Circle,
Dharmapuri District. ... Respondent

PRAYER: This Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Certiorarified Mandamus, calling for records of the respondent in his letter in Na.Ka. No.3319/2013/Thosal(1) dated 27.01.2016 and quashing the same forbearing the Respondent herein from taking any action under Section 166 (1) or any provisions of the Tamil Nadu Co-operative Societies Act and Rules against the petitioner and the board of management of the K.K.260 Thonganoor Primary Agricultural Co-operative Credit Society Ltd, Thonganoor, Chinathalpadi post Pappireddypatti Taluk, Dharmapuri District and pass further orders.

For petitioner : Mr.Thiagarajan

For respondent : Mr.V.Selvaraj
Additional Government Pleader

ORDER

The petitioner has filed this Writ Petition challenging the impugned order passed by the respondent, in his letter in Na.Ka. No.3319/2013/Thosal(1) dated 27.01.2016 and to forbear the Respondent from taking any action under Section 166 (1) or any provisions of the Tamil Nadu Co-operative Societies Act and Rules against the petitioner Management.

2. The learned counsel for the petitioner submitted that the petitioner is the President of the Petitioner society. Subsequent to his assuming office, he suspended the Secretary C. Murugan, for serious irregularities and initiated disciplinary proceedings, committed during the previous Management. The respondent directed the petitioner to reinstate the Secretary C. Murugan, stating that the suspension order has been passed without following due procedures. The petitioner requested the Deputy Registrar to hold an enquiry under Section 81 of the Tamil Nadu Co-operative Societies Act, 1983 against the previous Management. Without passing any orders in the representation, the respondent directed the Special Officer to conduct the enquiry and based on her report, directed the petitioner to reinstate the said C. Murugan. According to the petitioner, the respondent has no authority to revoke the suspension order, which has been passed by the competent authority.

3. In the meanwhile, the said C. Murugan filed writ petitions before this Court challenging his suspension order. Although an order of stay was granted at the time of admission, later the writ petitions were dismissed. The subsequent appeals of C. Murugan were also dismissed, except the writ petition filed by him challenging the charge memo, is pending before this Court. Whiles, the petitioner requested the respondent to initiate surcharge proceedings against the previous Management, by referring the matter to the Commercial Crime Investigation. Since no action has been taken by the respondent, the petitioner filed W.P. No. 3617 of 2016 and this Court passed an order on 01.02.2016 directing the authorities to take action within a period of six weeks from the date of receipt of the order, thereof.

4. In the meanwhile, the respondent has issued the impugned notice dated 27.01.2016, alleging that the petitioner has not sent any reports in respect of the proceedings against the said C. Murugan and that if no reply is sent within 15 days, action under Section 166(1) of the Tamil Nadu Co-operative Societies Act, 1983 would be taken against the petitioner. Aggrieved by the said order, the petitioner has filed the present writ petition.

5. The learned counsel for the respondent would submit that the petitioner has already submitted his reply and without awaiting for the orders to be passed by the respondent, the petitioner has filed this writ petition. Since the writ petition is filed in a pre-mature stage, the same is liable to be dismissed.

6. In view of the above submissions of the learned counsel for the parties, this Court is inclined to dispose of the writ petition, with liberty to the petitioner to file an additional reply, if any, within a period of four weeks from the date of receipt of a copy of this order. Thereafter, the respondent shall pass orders, in accordance with law.

7. The writ petition is disposed of, with the above directions. Consequently, the connected Miscellaneous Petition is closed. No order as to costs.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

The Deputy Registrar of
Co-operative Societies,
(Full Additional Charge)
Dharmapuri Circle,
Dharmapuri District.

+1cc to Mr.N.Thiagarajan, Advocate SR.No.66381
+1cc to Government Pleader SR.No.67580

W.P.No.5830 of 2016
and

W.M.P.No.5176 of 2016

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