

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.05.2017

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.38151 of 2003
and WMP.No.46318 of 2003

s.Rajendran

... Petitioner

vs.

1.Registrar of Co-operative
Societies, Kilpauk,
Chennai 10.

2.The Joint Registrar,
Co-operative Societies,
Vellore Region, Vellore District.

3.The Deputy Registrar of Co-operative
Societies, Thirupathur Circle,
Vellore District.

4.The Special Officer,
Thirupathur Co-operative Agricultural
and Rural Development Bank Ltd.,
Thirupathur, Vellore District.

5.The Enquiry Officer,
Thirupathur Co-operative
Agricultural and Rural
Development Bank Limited,
Thirupathur, Vellore District.

6.N.Selvapandian,
(Impleaded as per order of
this Court dated 23/06/2004
in WMP.No.1116/04)

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorari calling for the records pertaining to the order of the first respondent in his proceedings Na.Ka.No.91774 /03 Tha.Pu.Ku.1, dated 31.10.2003 and quash the same.

For Petitioner	:Mr.G.Sankaran
For R1 to R3 and R5	:Mr.L.P.Shanmugasundaram Spl.Govt.Pleader (Co-op)
For R4	:Mr.R.Chandrasekaran
For R6	:Mr.S.Venkataraman

O R D E R

Challenge in this writ petition is the order issued by the first respondent on 30th October 2013 to conduct an enquiry under Section 81(1) of Tamil Nadu Co-operative Societies Act, 1993.

2. The writ petitioner is a Member of the Co-operative Primary Agricultural and Rural Development Bank, Thirupathur and he was elected as the President of the Board. Thereafter, the Special Officer was appointed and assumed charge in May 2001. With regard to certain complaints, the Registrar of the Co-operative Society ordered for an enquiry under Section 81(1) of the Tamil Nadu Co-operative Societies Act, which reads as follows:

81(1) : The Registrar may, of his own motion and shall, on the application of a majority of the Board or of not less than one-third of the members or on the request of the Financing Bank or of the District Collector, hold an inquiry or direct some person authorised by him by order in writing in this behalf to hold an inquiry into the constitution, working and financial conditions of a registered Society or any alleged misappropriation, fraudulent retention of any money or property, breach of trust, corrupt practice, or mis-management in relation to that Society or into any particular aspect of the working of that Society.

3. The Authority is vested to the Registrar of the Co-operative Societies to order for an enquiry into administrative affairs of any co-operative society in this State. Mere ordering an enquiry cannot be questioned by way of writ petition under Article 226 of the Constitution of India. An enquiry will be conducted by examining the relevant records and adducing

evidences from witnesses. Thereafter, the Enquiry Officer will submit a report and pursuant to the enquiry report of further actions will be initiated.

4. In view of the above facts, a mere ordering of the enquiry under Section 81 cannot stand under the scrutiny of this Court more so, under writ jurisdiction. Hence such a writ petition challenging the enquiry proceedings are not maintainable and accordingly, the writ petition stands dismissed as not maintainable. Consequently, connected miscellaneous petition is closed. NO costs.

Sd/-

Assistant Registrar(CS II

//True Copy//

Sub Assistant Registrar

kkd

To

- 1.Registrar of Co-operative Societies, Kilpauk, Chennai 10.
- 2.The Joint Registrar, Co-operative Societies, Vellore Region, Vellore District.
- 3.The Deputy Registrar of Co-operative Societies, Thirupathur Circle, Vellore District.
- 4.The Special Officer, Thirupathur Co-operative Agricultural and Rural Development Bank Ltd., Thirupathur, Vellore District.
- 5.The Enquiry Officer, Thirupathur Co-operative Agricultural and Rural Development Bank Limited, Thirupathur, Vellore District.

+1cc to the Government Pleader Sr.37036

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