

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED : 20.07.2017

CORAM :

THE HONOURABLE MR.JUSTICE T.RAJA**W.P (MD) No.13384 of 2017****and****W.M.P. (MD) No.10441 of 2017**

G.Periyasamy Pandian,
President, Sp. Spl. 36, Padikkasu Vaithanpatti,
Primary Agricultural Cooperative Credit Society,
Padikkasu Vaithanpatti-626154,
Vaithilingapuram,
Srivilliputhur (via) Virudhunagar District. ... Petitioner

vs.

The Deputy Registrar of Cooperative Societies,
Mela Madai Street,
Srivilliputhur,
Virudhunagar District. ... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing the respondents to issue the copy of the special report of the Cooperative Sub Registrar/Field Officer dated 21.03.2017 and thereafter after receiving the explanation from the petitioner to proceed further, if necessary.

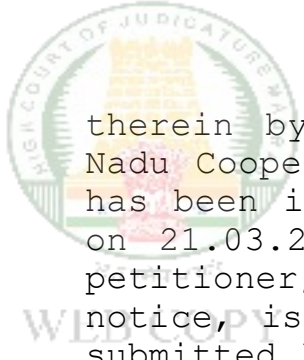
For Petitioner : Mr.V.O.S.Kalaiselvam
For Respondents : Mr.Raja Karthikeyan,
Additional Government Pleader

ORDER

By consent of both sides, this writ petition itself is taken up for final disposal.

2. Heard the learned counsel for the petitioner and Mr.R.Karthikeyan, Additional Government Pleader, who takes notice for the respondent.

3. The petitioner was issued with a show cause notice dated 11.04.2017 calling upon him to show cause as to why he should not be disqualified for the alleged charges levelled against him



therein by exercising the power under Section 34(1)(b)(i) Tamil Nadu Cooperative Societies Act, 1983. Since the show cause notice has been issued against the petitioner on the basis of the report on 21.03.2017 submitted by the Sub Registrar/Field Officer, the petitioner, before giving his explanation to the said show cause notice, is entitled to have a perusal of the said special report submitted by the Sub Registrar/Field Officer. But the respondent, while issuing the impugned show cause notice under Section 34(1)(b)(i) of the Tamil Nadu Cooperative Societies Act, 1983, has not furnished a copy of the Special Report, based on which, the show cause notice has been issued. The reference made in the show cause notice also clearly shows that the petitioner has been called upon to submit his explanation in respect of the Special Report.

4. Therefore, this Court finds no impediment to direct the respondent to consider his representation dated 18.04.2017, wherein, he sought for a copy of the Special Report submitted by the Sub Registrar/Field Officer. Accordingly, the respondent shall furnish the petitioner a copy of the Special Report submitted by the Sub Registrar/Field Officer within two weeks from the date of receipt of copy of this order and thereafter, the petitioner shall also submit his explanation within three weeks thereafter and thereafter, it is for the respondents to proceed further on merits and in accordance with law.

5. With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar()

/True Copy/

Sub Assistant Registrar

To

The Deputy Registrar of Cooperative Societies,
Mela Madai Street, Srivilliputhur,
Virudhunagar District.

+1cc to M/S. V.O.S.KALAISELVAM, Advocate, SR.No.66688.

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and
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