



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.10.2017

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.(MD)No.18331 of 2017 and
WMP (MD)No.14788 of 2017

R.K.Palanivel

... Petitioner

Vs.

1. The Registrar of Co-operative Societies,
No.170, N.V.N.Maligai, Kilpauk,
Chennai - 600 010.
2. The Deputy Registrar of Co-operative Societies,
Pattukottai Circle,
Pattukottai, Thanjavur District.
3. The Sub Registrar of Co-operative
Societies / Enquiry Officer,
T.A.1026, Mavadukurichi Primary
Agricultural Co-operative Credit Society,
Peravurani,
Thanjavur District.
4. The T.1026, Mavadukurichi Primary
Agriculture Co-operative Credit Society,
Through its Secretary,
Peravurani,
Thanjavur District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 1 and 2 to remove the third respondent and to appoint any other competent person to conduct the intend enquiry in accordance with Section 81 of Tamil Nadu Co-operative Societies in respect of the fourth respondent society.

For Petitioner : Mr.G.Prabhu Rajadurai
For Respondents 1 to 4 : Mr.T.S.Mohammed Mohideen,
Additional Government Pleader

ORDER

<https://hcservices.ecourts.gov.in/hcservices/>
This writ petition has been filed for a Writ of Mandamus directing the respondents 1 and 2 to remove the third respondent and to appoint any other competent person to conduct a thorough enquiry



in accordance with Section 81 of Tamil Nadu Co-operative Societies in respect of the fourth respondent society.

2. Heard the learned Counsel appearing on either side.

3. It is the case of the petitioner that the petitioner, an elected President of the fourth respondent Society, was issued with a notice for convening a special meeting and pursuant to non receipt of any reply from the petitioner, the second respondent directed the third respondent to convene the said special meeting to take a decision with regard to "No Confidence Motion" against the petitioner. Aggrieved thereby, the petitioner, while challenging the notice before the first respondent by revision, submitted a representation to the respondents 1 and 2 on 15.09.2017 for conducting an enquiry against the third respondent in respect of misappropriation of funds. Since the representation made by the petitioner has been kept pending without any further progress, the petitioner is before this Court.

4. At this juncture, the learned counsel for the petitioner has fairly submitted that the petitioner is prepared to appear before some other competent authority other than the third respondent, as the petitioner has already levelled some allegations against the third respondent.

5. This Court finds force in the contention raised by the learned counsel for the petitioner. When the petitioner has raised some allegations of misappropriation of funds against the third respondent, there will not be any fair enquiry and the ends of justice will not be met in the event of allowing the very same third respondent to conduct a discreet enquiry against the petitioner. Therefore, this Court is of the view that in the interest of justice, if some other authority is appointed in the place of the third respondent to continue the proceedings pending against the petitioner, it will serve the purpose.

6. Hence, this petition is disposed of, directing the respondents 1 & 2 to appoint a competent authority other than the third respondent to proceed with the enquiry against the petitioner within a period of two weeks from the date of receipt of a copy of this order and on such appointment, the enquiry shall be continued and the same be concluded on merits and in accordance with law, within a period of six weeks thereafter, after affording an opportunity of hearing to the petitioner and other interested parties, if any. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (RTI)

/True Copy/



To

1. The Registrar of Co-operative Societies,
No.170, N.V.N.Maligai, Kilpauk,
Chennai - 600 010.

2. The Deputy Registrar of Co-operative Societies,
Pattukottai Circle,
Pattukottai, Thanjavur District.

3. The Sub Registrar of Co-operative
Societies / Enquiry Officer,
T.A.1026, Mavadukurichi Primary
Agricultural Co-operative Credit Society,
Peravurani,
Thanjavur District.

4. The Secretary,
T.1026, Mavadukurichi Primary
Agriculture Co-operative Credit Society,
Peravurani,
Thanjavur District.

+ 1 CC TO Mr.G.PRABHU RAJADURAI, ADVOCATE IN SR No. 82742

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 82805

RM

TE/SKN-RSK/SAR-I : 30/10/2017 : 3P/7C

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