



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.04.2017

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THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P.(MD).No.5701 of 2017 and
W.M.P.(MD)Nos.4549 & 4550 of 2017

V.Balasubramanian, President,
Q 1151, Kariyapatti Teachers
and Panchayat Union Employees
Co-operative Credit Society,
Kariayapatti Post, Virudhunagar District. ..Petitioner

Vs.

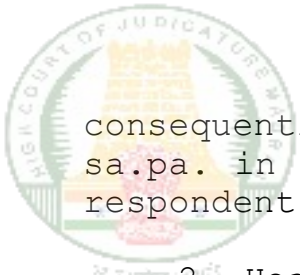
1. The Deputy Registrar of Co-operative Societies,
Office of the Deputy Registrar of
Co-operatives, Pandalkudi Road,
Aruppukottai Post & Taluk,
Virudhunagar District.
2. U/s.82 Inspection Officer/Co-operative Sub Registrar,
O/o. Deputy Registrar Co-operative
Societies, Pandalkudi Road,
Aruppukottai Post & Taluk,
Virudhunagar District. .. Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records from the respondents 1 and 2 relating to the impugned under Section 82 Inspection report of the second respondent in Na.Ka.No.Nil, dated 13.02.2017 and consequential impugned surcharge proceedings in Na.Ka.No.628/2016 sa.pa. in S.C.No.5/2016-2017, dated 20.02.2017 passed by the first respondent and quash the same as illegal.

For Petitioner : Mr.R.Saravanan
For Respondents : Mr.V.Pandi,
Government Advocate.

O R D E R

This Writ petition has been filed by the petitioner for issuance of a Writ of Certiorari, calling for the records from the respondents 1 and 2 relating to the impugned Inspection report of the second respondent in Na.Ka.No.Nil, dated 13.02.2017 under Section 82 of Tamil Nadu Co-operative Societies Act, 1983, and the



consequential impugned surcharge proceedings in Na.Ka.No.628/2016 sa.pa. in S.C.No.5/2016-2017, dated 20.02.2017 passed by the first respondent and quash the same as illegal.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents.

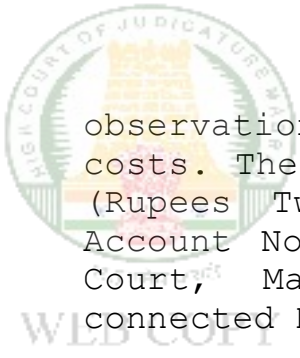
3. Mr.V.Pandi, learned Government Advocate, takes notice for the respondents. By consent, the Writ petition itself is taken up for final disposal.

4. This Writ petition is to quash the report after an inspection and the consequential notice issued to the petitioner, dated 22.02.2017. Based on the enquiry report, after inspection conducted by the Inspection Officer under Section 82 of Tamil Nadu Co-operative Societies Act, a show cause notice has been issued under Section 87 of Tamil Nadu Co-operative Societies Act. The petitioner has filed the present Writ petition challenging the show cause notice that is now issued under Section 87 of Tamil Nadu Co-operative Societies Act, mainly on the ground that the inspection report is arbitrary, illegal and contrary to law.

5. The Writ petition is filed against the impugned notice pursuant to the enquiry and hence, the Writ petition is not maintainable.

6. The learned counsel for the petitioner would submit that the petitioner has got a good case on merits, challenging the enquiry report itself. This Court considered the submissions of the learned counsel for the petitioner. It has been repeatedly held by this Court and the Hon'ble Supreme Court, that a Writ petition as against the show cause notice is not maintainable, unless the show cause notice has been issued by a person who is neither a competent Authority nor has jurisdiction. This is not a case where the petitioner alleges that the show cause notice has been issued by a person who is not competent to issue. Hence, there is no merits in this case.

7. The petitioner as President of the Kariyapatti Teachers and Panchayat Union Employees Co-operative Credit Society, Virudhunagar District, is also responsible for the administration of the Co-operative Society. The petitioner has categorically admitted that a huge sum which was allotted to the Society by the Government is not properly utilised by giving loans to the members of the society or other deserving and eligible persons. As a result, the Society has suffered huge loss by way of losing interest. In such circumstances, there is no merits in the case of the petitioner. However, the petitioner is at liberty to give service employees to the show cause notice and contest the enquiry in accordance with law. The first respondent shall pass appropriate orders on merits, uninfluenced by any of the



observations made above. This Writ petition is dismissed with costs. The petitioner is directed to pay a sum of Rs.2,000/- (Rupees Two Thousand only) towards cost to the Savings Bank Account No.6514082295, Indian Bank, Madurai Bench of Madras High Court, Madurai(Removal of Karuvelam Trees). Consequently, connected Miscellaneous petitions are closed.

Sd/-

ASSISTANT REGISTRAR(CS-III)

/TRUE COPY/

SUB ASSISTANT REGISTRAR

To

1. The Deputy Registrar of Co-operative Societies,
Office of the Deputy Registrar of
Co-operatives, Pandalkudi Road,
Aruppukottai Post & Taluk, Virudhunagar District.
2. Inspection Officer U/s.82 /Co-operative Sub Registrar,
O/o. Deputy Registrar Co-operative
Societies, Pandalkudi Road, Aruppukottai Post & Taluk,
Virudhunagar District.

+1 CC TO MR.R.SARAVANAN, ADVOCATE, SR NO.19145

+1 CC TO SPECIAL GOVERNMENT PLEADER SR NO.50403

pmu

MAS/SV/SAR3:30.05.2017:3P-5C

ORDER MADE IN
W.P. (MD) .No.5701 of 2017 and
W.M.P. (MD) Nos.4549 & 4550 of 2017
04.04.2017



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