

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.09.2018

CORAM

THE HONOURABLE Mr.JUSTICE V.BHARATHIDASAN

W.P.No.20333 of 2018

and

W.M.P.Nos.23884 and 23885

1.A.Radhamani
2.P.Navamani
3.K.Chandran

... Petitioners

Vs

1.The Deputy Registrar
of Co-operative societies/Arbitrator,
Gobi Circle,
Gobichettipalayam,
Erode District.

2.Kothamangalam Primary Agricultural
Co-operative Bank Ltd., K445,
rep. By its Secretary,
Kothamangalam,
Sathyamangalam Taluk,
Erode District.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, to call for the records relating to the impugned surcharge order made in Na. Ka.No.525/2018 Sa.Pa. dated 23.05.2018 passed by the first respondent, quash the same.

For Petitioners :Mr.N.Manokaran

For Respondents :Mr.L.P.Shanmugasundaram
Special Government Pleader

O R D E R

This writ petition has been filed challenging the show cause notice issued by the first respondent under Section 87 of the Tamil Nadu Co-operative Societies Act.

2. The grievance of the petitioner is that, show cause notice has been issued by the first respondent with a predetermined mind, which is not permissible under law, and therefore the show cause notice is liable to be set aside.

3. I have perused the show cause notice. The show cause notice only referred to the irregularities, which has been pointed out in the enquiry report submitted under Section 81 of the Act and directed the petitioner to submit his explanation to the same. There is nothing stated in the show cause notice which shows that the first respondent is proceeding with predetermined mind, and therefore, the condition of the petitioner cannot be countenanced. It is only a show cause notice seeking the petitioner to submit his explanation, if the petitioner has sufficient cause, it is always open to him to submit the same before the first respondent, instead he cannot maintain the writ petition.

4. Accordingly, this Writ Petition is dismissed with liberty to the petitioner to submit his explanation before the authorities. No costs. Consequently, connected Miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-VIII)

//True Copy//

Sub Assistant Registrar

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To

1.The Deputy Registrar
of Co-operative societies/Arbitrator,
Gobi Circle,
Gobichettipalayam,
Erode District.

2.Kothamangalam Primary Agricultural
Co-operative Bank Ltd., K445,
rep. By its Secretary,
Kothamangalam,
Sathyamangalam Taluk,
Erode District.

+ 1 cc to Mr.L.P. Shanmugasundaram, Advocate Sr.65439
+ 1 cc to Mr.N. Manokaran, Advocate Sr.64765
+ 1 cc to MR. Government Pleader Sr.64990

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PVS(CO)
EU(23/10/2018)