

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.11.2018

CORAM

THE HONOURABLE MR. JUSTICE R.SURESH KUMAR

W.P.No.25113 of 2004

1. V.Perumalsamy
2. Kandasamy
3. V.N.Selvaraj
4. P.Ponnusamy

... Petitioners

Vs

1. The Director  
Handlooms & Textiles  
Kuralagam, Chennai - 600 108.
  2. The Assistant Director  
Handlooms & Textiles,  
Coimbatore.
  3. C.H-106, Palladam, Power Looms Weavers  
Co-operative Protection & Sales Society Ltd.,  
Rep. by its the Special Officer  
No.6, Trichy Road, Palladam.
  4. The Enquiry Officer  
CH-106, Palladam, Power Looms Weavers  
Co-operative Protection & Sales Society Ltd.,  
No.6, Trichy Road, Palladam.
- ... Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified mandamus, calling for the records relating to proceedings made in Na.Ka.No.214/2002/E, dated 22.03.2002 passed by the second respondent and quash the same and forbear the respondents from initiating any proceedings against the petitioner in pursuant to the aforesaid order.

For Petitioners : Mr.G.Ethirajulu  
For Respondents : Mr.K.Ravikumar, AGP for R1 and R2  
Mr.P.S.Sivashanmuga Sundaram  
for R3 and R4

## O R D E R

The prayer sought for herein is for a writ of certiorarified mandamus, calling for the records relating to proceedings made in Na.Ka.No.214/2002/E, dated 22.03.2002 passed by the second respondent and quash the same and forbear the respondents from initiating any proceedings against the petitioner in pursuant to the aforesaid order.

2. The petitioners, challenged the order passed by the second respondent, dated 22.03.2002, by and under which, it has been stated that, since enquiry under Section 81 of the Tamil Nadu Co-operative Societies Act had been contemplated, as against the three charges framed against them, the enquiry officer had been directed to conduct the Section 81 enquiry and file a report to that effect.

3. It is submitted by the learned counsel appearing for the petitioners as well as the learned Additional Government Pleader appearing for the respondents 1 and 2 and the learned counsel appearing for R3 that, during the pendency of the writ petition, pursuant to the communication, which is impugned herein, dated 22.03.2002, Section 81 enquiry has been completed. A report to that effect was also filed on 20.12.2002.

4. In this context, Mr.G.Ethirajulu, learned counsel appearing for the petitioners would rely upon the averments made in the counter affidavit filed by the first respondent and draw the attention of this Court that, in so far as the first allegation is concerned, the respondents themselves admitted that, there had been no veracity. Like that, in respect of other two allegations, it was pointed out by the learned counsel appearing for the petitioners, the amount, which was in question were recovered and therefore, there can be no further proceedings pursuant to Section 81 enquiry report.

5. Be that as it may, since the enquiry under Section 81 was contemplated and a report to that effect was filed, based on the report submitted by the enquiry officer, either to proceed anything further, if materials are available or to drop the proceedings, can very well be decided by the respondents. Therefore since the enquiry has already been concluded, the validity of the impugned communication cannot be gone into at this stage, since the stage already has been crossed.

6. Therefore recording the aforesaid developments, this writ petition is disposed of with liberty to the second respondent to take a decision thereon based on the report submitted by the enquiry officer under Section 81 of the Act and in this regard, it is open to the petitioner to make further request to the respondents to drop the proceedings, if anything found in favour of the petitioners in the said report.

With these directions, this writ petition is disposed of. No costs.

Sd/--

Assistant Registrar(CS v)

//True Copy//

Sub Assistant Registrar

tsvn

To

1. The Director  
Handlooms & Textiles  
Kuralagam, Chennai - 600 108.
2. The Assistant Director  
Handlooms & Textiles,  
Coimbatore.
3. The Special Officer  
Co-operative Protection & Sales Society Ltd.,  
C.H-106, Palladam, Power Looms Weavers  
No.6, Trichy Road, Palladam.
4. The Enquiry Officer  
CH-106, Palladam, Power Looms Weavers  
Co-operative Protection & Sales Society Ltd.,  
No.6, Trichy Road, Palladam.

+1cc to Mr. G.Ethirajulu, Advocate SR.No. 76016

+1 CC TO GOVERNMENT PLEADER SR.NO. 76423

W.P.No.25113 of 2004

ASK(26/11/2018)