

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.12.2018

CORAM

THE HONOURABLE Mr. JUSTICE S.M.SUBRAMANIAM

W.P.No.31204 of 2004
and
WP MP.No.37814 of 2004
and & W.V.MP No.1902 of 2005

C.Rajan

....Petitioner

-vs-

1. Deputy Registrar of Cooperative Housing Society, salem-4.
2. Special Officer, S-1400, Ponnammampet Cooperative Buildings Society Ltd, Ponnammampet, Salem-1.
3. Inspector of Police, CC8W CID Salem, Salem.

....Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, for the issuance of a Writ of Mandamus, forbearing the respondents herein their men or agents or subordinates, from taking any steps to arrest the petitioner herein, pursuant to the show cause Notice dated 13.10.2003 issued under Section 81 of the Tamil Nadu Cooperative Societies Act.

For Petitioner : Mr.Srinath Sridevan

For Respondents
1 & 3

: Mrs. T.Girija
Government Advocate.

F2

:Mr.R.Kanniappan

O R D E R

The relief sought for in the present writ petition is to forbear the respondents, their men or agents or subordinates, from taking any steps to arrest the petitioner pursuant to the show-cause notice dated 13.10.2003 issued under Section 81 of the Tamil Nadu Cooperative Societies Act.

2. Section 81 of the Tamil Nadu Cooperative Societies Act contemplates an enquiry in respect of the irregularities or illegalities of a Cooperative Society registered under the provisions of the Tamil Nadu Cooperative Societies Act. The Competent Authority / Registrar is empowered under the Act to order for an enquiry under Section 81 of the Act. The Enquiry Officer so appointed has to conduct an enquiry with reference to the files available in the Society and submit a detailed report.

3. The enquiry report submitted under Section 81 of the Tamil Nadu Cooperative Societies Act is a source for initiation of all further proceedings. Threefold actions are permissible based on the report submitted under Section 81 of the Act. If any irregularity, misappropriation, illegality or financial loss is found, then the Competent Authority can initiate disciplinary proceedings against employees concerned, initiate surcharge proceedings under Section 87 of the Act to make good the financial loss caused to the Society and file a complaint before the Central Crime Investigation Wing for prosecuting the Offenders before the Competent Criminal Court of law. This being the scope of the enquiry report submitted under Section 81 of the Act, the writ petitioner cannot seek the prayer to forbear the respondent from arresting the petitioner pursuant to the show-cause notice dated 13.10.2003.

4. If at all the allegations are set out in the show-cause notice, the writ petitioner has to defend his case by submitting his explanation / objections. Contrarily, such a relief, not to arrest cannot be granted in the writ proceedings under Article 226 of the Constitution of India and the writ petitioner has not establish even a single ground for the purpose of considering the relief as sought for in the present writ petition. Accordingly, the writ petition stands dismissed. No Costs. Consequently connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

To

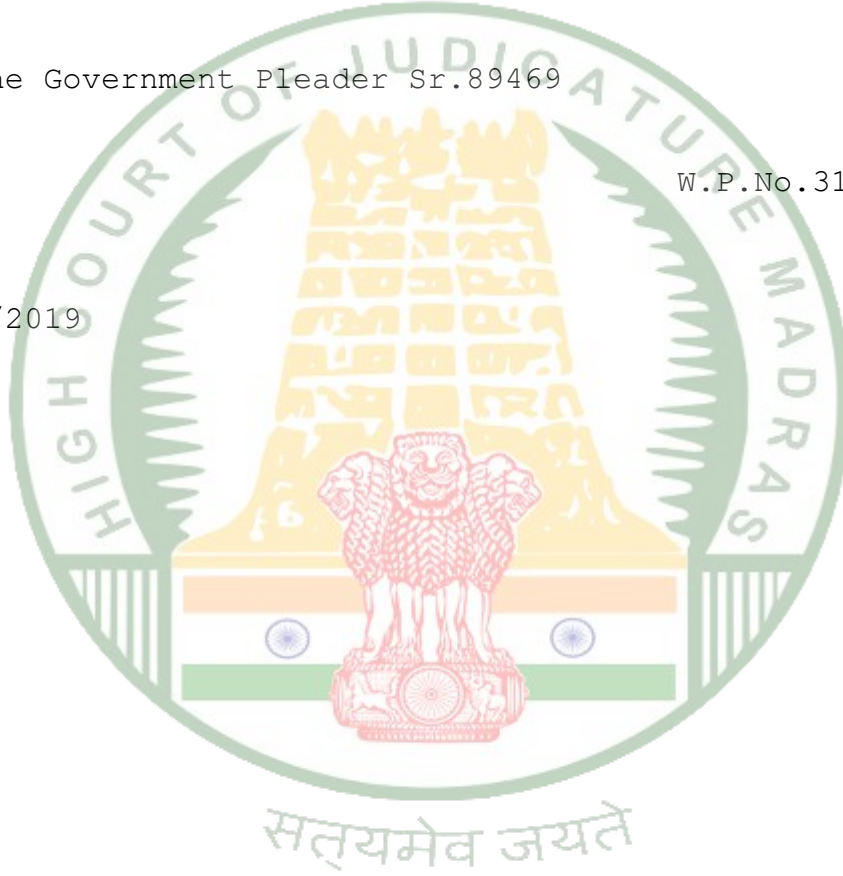
1. Deputy Registrar of Cooperative
Housing Society,
salem-4.

2. Inspector of Police,
CC8W CID Salem,
Salem.

+1cc to the Government Pleader Sr.89469

W.P.No.31204 of 2004

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srg 23/01/2019



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