

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.04.2018

CORAM:

THE HONOURABLE MR. JUSTICE T.RAJA

W.P.No.8409 of 2018

and

W.M.P.Nos.10364 and 10365 of 2018

N.R.Chandrasekaran

... Petitioner

... Vs ...

1. The Joint Registrar of Co-operative Societies,
Erode Region, Erode,
Erode District.
2. The Deputy Registrar of Co-operative Societies,
Gobi Circle, Gobi - 638 452.
3. The Management of No.3324,
Nerunjipettai Primary Agricultural Co-operative
Credit Society Limited,
Nerunjipettai Post, Anthiyur Taluk,
Erode District,
Rep. by its Secretary.

.... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorari, to call for the records relating to the show cause notice in Na.Ka.2640/2015/Tho.Ve.Sa dated 05.04.2018 on the file of the second respondent and to quash the same.

For Petitioner : Mr.S.Doraisamy for V.Elangovan
For Respondents: Mr.L.P.Shanmugasundaram
Special Government Pleader

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ORDER

This Writ Petition is directed against the impugned show cause notice dated 05.04.2018 issued under Section 88 of the Tamil Nadu Co-operative Societies Act, 1983 by the second respondent-Deputy Registrar of Co-operative Societies, Gobi Circle, Gobi, calling upon the petitioner to submit his explanation as to why the Board of registered society should not be superseded.

2. Mr.Doraisamy, learned counsel appearing for the petitioner submitted that when the Registrar is the only competent authority to take steps for supersession of the Board under Section 88 of the Tamil Nadu Co-operative Societies Act, 1983, even if it is presumed that a power has been delegated, it cannot be sub delegated to Deputy Registrar.

3. Fairly conceding the said submission, Mr.L.P.Shanmugasundaram, learned Special Government Pleader appearing for the respondents pleaded that as per Section 88 of the Tamil Nadu Co-operative Societies Act, 1983, the Registrar alone has got power. In some cases, the power of Registrar has been delegated to the Joint Registrar. When the power has been delegated to the Joint Registrar, it cannot be sub delegated to the Deputy Registrar.

4. Recording the same, the impugned order dated 05.04.2018 passed by the second respondent/Deputy Registrar of Co-operative Societies stands quashed and the Writ Petition is allowed. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

Jr1

To

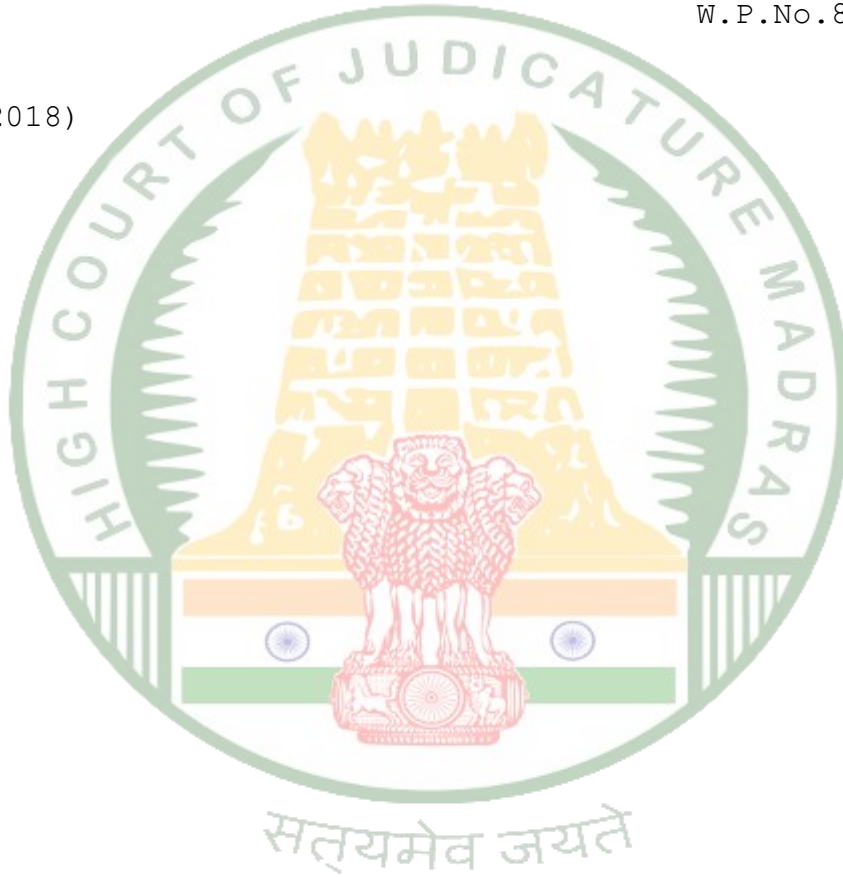
1. The Joint Registrar of Co-operative Societies,
Erode Region, Erode,
Erode District.
2. The Deputy Registrar of Co-operative Societies,
Gobi Circle, Gobi - 638 452.

3. The Secretary,
The Management of No.3324,
Nerunjipettai Primary Agricultural Co-operative
Credit Society Limited,
Nerunjipettai Post, Anthiyur Taluk,
Erode District.

+1cc to the Government Pleader, S.R.No.27239
+1cc to Mr.L.P.SHANMUGASUNDARAM, Advocate, S.R.No.26416
+1cc to Mr.S.DORAISAMY, Advocate, S.R.No. 25996

W.P.No.8409 of 2018

KJI (CO)
TR(28/04/2018)



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