

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-12-2018

CORAM

THE HON'BLE Mr. JUSTICE S.M.SUBRAMANIAM

W.P.No.28794 of 2005

And

W.P.M.P.No.31459 of 2005

M.KarunanidhiPetitioner

Vs

- 1.The Deputy Registrar of Cooperative Societies (Housing),
Daniel Thomas Nagar,
Thanjavur (Po) & (Dt.).
- 2.The Cooperative Sub Registrar,
(Rural Housing Scheme),
Inquiry Officer,
Office of the Deputy Registrar of
Cooperative Societies (Housing),
Thanjavur (Po) & (Dt.). ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records of the first respondent relating to his order No.Rc.3895/2004 Ki.Vi.Thi dated 21.3.2005 and quash the same.

For Petitioner : Mr.P.Anbarasan

For Respondents : Mrs.T.Girija,
Government Advocate (Co.op).

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O R D E R

The order dated 21.3.2005 passed under Section 82 of the Tamil Nadu Cooperative Societies Act, 1983, is under challenge in the present writ petition.

2. Section 82 of the Tamil Nadu Cooperative Societies Act, 1983, deals with Inspection and Investigation, the Registrar may, of his own motion, or on the application of a creditor of a

registered society inspect or investigate or direct any person authorized by him in this behalf by general or special order in writing to inspect the affairs of the registered society in general or to investigate into any alleged misappropriation, fraudulent retention of any money or property, breach of trust, corrupt practice or mismanagement in relation to that society or into any particular aspect of the working of that society and the Registrar or the person so authorized shall have all the powers of the Registrar when holding an inquiry under section 81 of the Act.

3. It is a statutory power provided under the Act to the Registrar to conduct an inspection and investigation in respect of the affairs of the Co-operative Society. Such a power provided is to be exercised if the Registrar gets an information from any person in respect of any such irregularity or illegality into the affairs of the Co-operative Society. Thus, ordering of inspection or investigation under Section 82 of the Act, would not provide any cause of action for the writ petitioner to file the present writ petition. If at all, an investigation or inspection is conducted, the writ petitioner and all other officials are bound to cooperate for the conduct of investigation and inspection to cull out the truth in respect of the allegations against the Co-operative Society.

4. This being the scope of Section 82 of the Act and the powers conferred on the authority, this Court is of an opinion that the writ petitioner has not established any cause of action for the purpose of moving the present writ petition, if any, final order is passed after investigation or enquiry affecting the rights of the writ petitioner, then alone the writ petitioner would get cause of action for approaching the Appellate Authority or any Competent Forum in the manner known to law.

5. Thus, the writ petition is devoid of merits and it stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar

//True copy//

Sub Assistant Registrar

Svn

To

1.The Deputy Registrar of Cooperative
Societies (Housing),
Daniel Thomas Nagar,
Thanjavur (Po) & (Dt.).

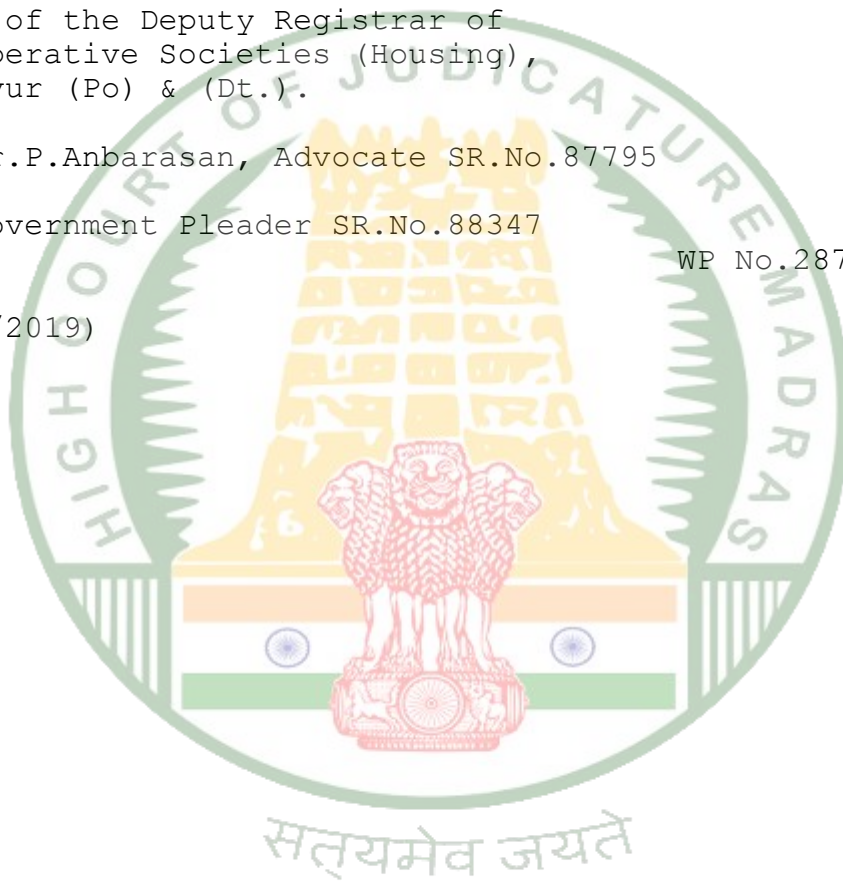
2.The Cooperative Sub Registrar,
(Rural Housing Scheme),
Inquiry Officer,
Office of the Deputy Registrar of
Cooperative Societies (Housing),
Thanjavur (Po) & (Dt.).

+1cc to Mr.P.Anbarasan, Advocate SR.No.87795

+1cc to Government Pleader SR.No.88347

WP No.28794 of 2005

RK(CO)
GMY(11/01/2019)



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