

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.09.2018

CORAM

THE HONOURABLE Mr.JUSTICE V.BHARATHIDASAN

W.P. 23662 of 2018
and
W.M.P.s 27607 & 27608 of 2018

R.Venugopal

... Petitioner

Vs

1. The Deputy Registrar of
Co-operative Societies,
Dharapuram Circle,
Dharapuram, Tiruppur Dt.
 2. The President,
Chinna Kumarapalayam Primary
Agricultural Co-operative Society,
Chinna Kumarapalayam,
Kurichikottai Post, Udumalpet Tk.,
Tiruppur Dt.
- ... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, calling for the entire records relating to the impugned order passed by the 1st respondent in his proceedings Na.Ka.890/2018/Sa.Pa., dated 18.07.2018 and quash the same in so far as the petitioner is concerned.

For Petitioner : Mr.C.Prakasam

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 1st respondent under Sec.87(1) of the Tamil Nadu Co-operative Societies Act.

2. Mr.C.Prakasam, learned counsel appearing for the petitioner submitted that the above show cause notice has been issued to the petitioner without furnishing the copy of the report filed under Sec.81 of the Tamil Nadu Co-operative Societies Act. Since the copy of the report is not furnished to the petitioner, he is not in a position to submit his suitable explanation.

3. Mr.L.P.Shanmugasundaram, learned Special Government
<https://hcservices.ecourts.gov.in/hcservices/>

Pleader appearing for the respondents submitted that it is only a show cause notice and hence, the petitioner may be directed to appear before the 1st respondent. The 1st respondent will furnish the copy of the report to the petitioner and thereafter, the petitioner can submit his explanation.

4. Considering the fact that the show cause notice has been issued without enclosing the report filed under Sec.81 of the Tamil Nadu Co-operative Societies Act, the petitioner is directed to appear before the 1st respondent within a period of one week from the date of the receipt of the copy of this order and on that day, the 1st respondent is directed to furnish the copy of the enquiry report filed under Sec.81 of Tamil Nadu Co-operative Societies Act. Thereafter, on receipt of the aforesaid report, the petitioner is directed to submit his explanation within a period of two weeks from the date of receipt of the copy of this order and the 1st respondent is directed to consider the petitioner's objection and pass suitable orders on merits and in accordance with law. Till the petitioner submits his objection, the 1st respondent is directed to not to pass any orders till then.

5. With the above direction, the present Writ Petition stands disposed. No costs. Consequently, the connected Writ Miscellaneous Petitions are also closed.

-s/d-
Assistant Registrar (CS-IX)

True Copy

Sub-Assistant Registrar

rpp

To

1. The Deputy Registrar of
Co-operative Societies,
Dharapuram Circle, Dharapuram, Tiruppur Dt.

2. The President,
Chinna Kumarapalayam Primary
Agricultural Co-operative Society,
Chinna Kumarapalayam,
Kurichikottai Post, Udumalpet Tk.,
Tiruppur Dt.

+1 cc to Mr.C.Prakasam, Advocate in Sr.No.63098

+1 cc to Government Pleader, Sr.No.62949

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of 2018

KR(CO)
CSL/16.10.2018