

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 11.08.2018
CORAM
THE HONOURABLE Mr.JUSTICE S.M.SUBRAMANIAM

W.P.No.18554 of 2017
and
W.M.P.No.20116 of 2017

P.N.Karunanidhi

...Petitioner

Vs

1.Deputy Registrar of Co-operative Societies,
Tiruvannamalai,
Tiruvannamalai District.

2.Management,
Joint Registrar/Managing Director
Tiruvannamalai District Consumer
Co-operative Wholesale Stores Ltd.,
Gandhi Nagar,
Tiruvannamalai District.

...Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, it is prayed that this Hon'ble Court may be pleased to issue appropriate Writs, Orders or Directions and more particularly issue a writ in the nature of CERTIORARI, after calling for the concerned records from the 1st Respondent, quash the order of the 1st Respondent dated 10.04.2017 bearing Na.Ka.No.6206/2016/Sa.ba./Surcharge No.4/2016-17 as illegal, arbitrary and contrary to law.

For Petitioner : Mr.Balan Haridas
For Respondents : Mr.L.P.Shanmugasundaram
Spl GP(Co-operatives)

O R D E R

The order passed by the Deputy Registrar of Cooperative Societies under Section 87(1) of the Tamil Nadu Cooperative Societies Act(hereinafter referred to as the Act) is under challenge in this writ petition.

2.Pursuant to the enquiry conducted under Section 81 of the Tamil Nadu Cooperative Societies Act and based on the enquiry report, threefold actions are permissible under the provisions of the Act. The persons, who have involved in any such irregularities can be prosecuted under the penal law by way of registering a complaint before the Commercial Crime Investigation Wing. This apart, disciplinary proceedings also can be initiated and simultaneously, the surcharge proceedings

are also permissible. Thus, the surcharge proceedings initiated under Section 87 of the Act is to recover the financial loss occurred on account of some irregularities or illegalities. Against the order passed under Section 87 of the Act, an appeal lies before the Cooperative Tribunal under Section 152 of the Tamil Nadu Cooperative Societies Act. Thus, the writ petitioner has to approach the Cooperative Tribunal against the final order passed in the surcharge proceedings and no writ petition can be entertained by this Court under Article 226 of the Constitution of India.

3.This being the factum of the case, the writ petitioner is at liberty to approach the competent forum under the provisions of the Tamil Nadu Cooperative Societies Act and if there is a delay, appropriate application shall be filed before the competent forum and the same shall be considered on merits and in accordance with law.

4.With these observations, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS II)

//True copy//

Sub Assistant Registrar

kak/ssb

To

1.Deputy Registrar of Co-operative Societies,
Tiruvannamalai,
Tiruvannamalai District.

2.Management,
Joint Registrar/Managing Director
Tiruvannamalai District Consumer
Co-operative Wholesale Stores Ltd.,
Gandhi Nagar,
Tiruvannamalai District.

+1cc to Mr.Balan Haridas, Advocate SR.No.55260
+1cc to Mr.L.P.Shanmugasundram, Advocate SR.No.55814
+1cc to Government Pleader SR.No.55856

W.P.No.18554 of 2017

GN(28/08/2018)