

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 19.12.2018

CORAM

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition No.30891 of 2018
and

W.M.P.No.36111 & 36113 of 2018

R.Periyasami

... Petitioner

-Vs-

1. The Joint Registrar,
Office of the Joint Registrar of Cooperative Societies,
Namakkal.
2. The Deputy Registrar,
Co-operative Societies,
Tiruchengode Taluk,
Namakkal District.
3. The President,
No.4091, Mallasamuthram Primary Agricultural
Cooperative Credit Society,
Mallasamudram,
Tiruchengode Taluk,
Namakkal District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari calling for the records pertaining to the proceedings initiated by the 2nd respondent by invoking Section 87 of The Tamil Nadu Cooperative Society Act, 1983 in R.C.No.565/2017/PAS dated 07.09.2018 and to quash the same.

For Petitioner

: Mr.R.Marudhachalamurthy

For Respondents

: Mr.D.Venkatachalam, AGP for
R1 and R2

Mr.Bala Ramesh, Spl. G.P.
for R3

ORDER

This writ petition has been filed challenging the proceedings of the 2nd respondent dated 07.09.2018 in RC.No.565/2017/PAS directing the petitioner to submit his objections for the charges leveled against him.

2. The grievance of the petitioner is that while issuing notice, the respondents did not at all furnish copies of the enquiry report conducted under Section 81 of the Tamil Nadu Co-operative Societies Act and all other relevant documents relied upon by the enquiry officer. That apart, the enquiry is being conducted by the 2nd respondent in a hasty manner without following the procedure contemplated under Section 87(4) of the Tamil Nadu Cooperative Societies Act.

3. Earlier notice was ordered to the respondents. Today, when the matter came up for hearing, the learned Additional Government Pleader, on instructions, submitted that when a copy of the enquiry report along with documents relied upon by the enquiry officer were sought to be furnished to the petitioner, he had refused to receive the same and the petitioner cannot blame the respondents for the same. The learned Additional Government Pleader has produced the copy of the enquiry report along with the relevant documents before this court and the same was, in turn, handed over to the learned counsel for the petitioner across the bar. Thus, the first grievance of the petitioner has been redressed.

4. So far as the other grievance of the petitioner that the enquiry is not being conducted by the 2nd respondent properly is concerned, no doubt, the 2nd respondent / Enquiry Officer is required to scrupulously follow the procedures contemplated under Section 87(4) of The Tamil Nadu Cooperative Societies while conducting enquiry under Section 87 of the Tamil Nadu Cooperative Societies Act and it is expected that the 2nd respondent will strictly adhere to such mandatory procedures.

5. In the above circumstances, the petitioner is directed to submit his objection within a period of four weeks from the date of receipt of a copy of this order and the 2nd respondent is directed to proceed with the enquiry by following the procedures contemplated under section 87 of the Tamil Nadu Cooperative Societies Act and pass final orders thereon within a period of six months thereafter.

6. In the result, the writ petition is disposed of with the above directions. No costs. Consequently, connected WMPs are closed.

kmk

Sd/-
Assistant Registrar (CS IV)

//True Copy//

Sub Assistant Registrar

To

1.The Joint Registrar,
Office of the Joint Registrar of Cooperative
Societies,
Namakkal.

2.The Deputy Registrar,
Co-operative Societies,
Tiruchengode Taluk,
Namakkal District.

3.The President, No.4091,
Mallasamuthram Primary Agricultural
Cooperative Credit Society,
Mallasamudram,
Tiruchengode Taluk,
Namakkal District.

+1cc to Mr.R.Marudhachalamurthy, Advocate, S.R.No.88673
+1cc to Mr.R.Bala Ramesh, Advocate, S.R.No.89078

GJ (CO)
kak (27/02/2019)

W.P.No.30891 of 2018

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