

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 21.12.2018

CORAM
THE HONOURABLE MR. JUSTICE V.BHARATHIDASAN

W.P. 34133 of 2018
and
W.M.P.s 39662 & 39663 of 2018

1. M.K.Thangavel
2. G.Lokini
3. K.Kuzhandhaivel

... Petitioners

Versus

1. The Joint Registrar of Cooperative Societies,
Namakkal District.
2. The Deputy Registrar of Cooperative Societies,
Tiruchengode Circle,
Namakkal District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, forbearing the respondents from conducting enquiry in pursuance to the notice dated 07.09.2018 in Na.Ka.565/2017/Tho.Ve.Saa under Section 87 of the Tamil Nadu Cooperative Societies Act, 1983 without furnishing the document as required by the petitioners by representation dated 08.12.2018.

For Petitioner : Mr.R.Arun Dattan

For Respondents : Mr.D.Venkatachalam,
Addl. Government Pleader for R1-R2

ORDER

This Writ Petition has been filed challenging the show cause notice issued to the petitioners directing them to submit their objections for the same.

2. According to the petitioners, a proceeding under Sec.87 of Tamil Nadu Cooperative Societies Act has been initiated against the petitioner, and a show cause notice was also issued to them. Now, the petitioners have sought for various documents from the respondents society enabling them to submit their

objections. But, without furnishing the above documents, now the respondents are proceeding with the enquiry. Hence, the present Writ Petition has been filed by the petitioner.

3. On perusal of the records, the show cause notice was issued to the petitioners as early as on 07.09.2018 giving 15 days time for the petitioners to submit their objections. Admittedly, before issuing the show cause notice, the report submitted under Sec.81 of the Tamil Nadu Cooperative Societies Act (hereinafter called as 'Act') was furnished to the petitioners, and subsequently, the 1st petitioner said to have made an undated representation, wherein he has sought for various documents from the year 2007. If at all, the petitioners have any grievance, they would have approached the authorities within 15 days, but, now, more than three months was over, the petitioners have come forward with the present Writ Petition. I find the 1st petitioner is also indulging in dilatory tactics only to delay the enquiry, and I find no merit in the Writ Petition. Hence, the present Writ Petition stands dismissed.

4. However, the petitioners want to peruse any records relating to the enquiry, it is always open to them to approach the 2nd respondent society seeking permission for the same. If any such permission is sought, the 2nd respondent society is directed to permit the petitioners to peruse the records, which are relevant to the enquiry, and available with the society. So far as the submission of objections by the petitioners are concerned, the petitioners are directed to submit their objections within a period of two weeks from the date of receipt of the copy of this order. If the petitioners fail to submit their objections within the above period, the respondents are directed to proceed with the enquiry and pass suitable orders on merit.

5. In the result, the present Writ Petition stands dismissed. No costs. Consequently, the connected Writ Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

rpp

To

1.The Joint Registrar of Cooperative
Societies,
Namakkal District.

2. The Deputy Registrar of
Cooperative Societies,
Tiruchengode Circle,
Namakkal District.

+1cc to R.Arun Dattan, Advocate, S.R.No.89615
+1cc to the Government Pleader, S.R.No.89994

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PP (CO)

rrs 15/02/2019



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