



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.03.2018

CORAM:

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THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P. (MD) No.6830 of 2018

and

W.M.P. (MD) Nos.6552 and 6553 of 2018

- 1.Anbalagan
- 2.Habeeb Bacha
- 3.R.Malarvizhi
- 4.R.Bhuvaneswari
- 5.Seval M.Raja
- 6.Ramesh
- 7.Pairoj Bhanu
- 8.Nagajothi
- 9.Kaliamurthy

... Petitioners

-Vs-

1. The Registrar of Co-operative Societies (Housing),
No.48, Ritherton Road,
Veppear, Chennai.
2. The Regional Deputy Registrar,
of Co-operative Societies (Housing),
Thanjavur.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari, calling for the records pertaining to the impugned proceedings issued by the second respondent in Na.Ka.No.688/2017 Sa.Pa. Dated 26.02.2018 and quash the same.

For Petitioners	: Mr.B.Jameel Arasu
For Respondents	: Mrs.J.Padmavathi Devi, Special Government Pleader.

ORDER

Challenging the show cause notice issued under Section 87 of the Tamil Nadu Co-operative Societies Act, 1983, the present writ petition has been filed.

2. According to the petitioners, the said show cause notice has been issued based on the enquiry report submitted under Section 81 of the Tamil Nadu Co-operative Societies Act, 1983, and without



giving a copy of the enquiry report, the impugned show cause notice has been issued. Therefore, the petitioners are not in a position to raise their objections. Hence, the show cause notice issued in violation of principles of natural justice, and in violation of statutory provisions is liable to be set aside.

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3. Admittedly, the grievance of the petitioners is that without giving the copy of the enquiry report, the show cause notice was issued, and he is not in a position to submit his explanation. But, on that ground the show cause notice could not be set aside. It is not a case of the petitioners that the show cause notice has been issued without jurisdiction, and in violation of statutory provisions. Therefore, I find no merits in this writ petition, hence, this writ petition is liable to be dismissed. Accordingly, dismissed. However, the second respondent is directed to furnish a copy of the enquiry report submitted under Section 81 of the Tamil Nadu Co-operative Societies Act, 1983, to the petitioners, within a period of four weeks from the date of receipt of a copy of this order, and the petitioners are permitted to submit their objections, within a period of four weeks thereafter. Till the petitioners submit their objections, the second respondent is directed not to pass any final order. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

To

1. The Registrar of Co-operative Societies (Housing),
No.48, Ritherton Road,
Veppear, Chennai.
2. The Regional Deputy Registrar,
of Co-operative Societies (Housing),
Thanjavur.

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 59488
+ 1 CC TO Mr.B.JAMEEL ARASU, ADVOCATE IN SR No. 59117

MYR

TE/SKN-RSK/SAR-3 : 12/04/2018 : 2P/5C