



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.01.2018

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No.14859 of 2014
and
M.P. (MD) .No.1 of 2014

Bharat Ratna MGR Co-Operative,
Housing Society (MDA/HSG.136),
No.5, Meenakshi Complex,
Thirunagar,
Madurai-6

Represented by its Secretary, S.Sukumar

... Petitioner

Vs.

The Deputy Registrar (Co-operative Housing),
Madurai Region,
K.K.Nagar, Madurai.

...Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, calling for the records relating to the proceedings of the respondent made in Na.Ka.No.1779/2009/Sa.Pa dated 20.08.2014 and quash the same.

For Petitioner : Mr.R.Murali

For Mr.M.Suresh Kumar

For Respondent : Mr.S.Kumar

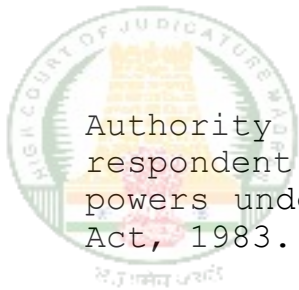
Additional Government Pleader

ORDER

Heard Mr.R.Murali, learned counsel, appearing for the petitioner and Mr.S.Kumar, learned Additional Government Pleader, appearing for the respondent.

2.By consent of both the parties, the main writ petition is taken up for final disposal at the stage of admission itself.

3.The petitioner is a registered Co-operative Society. The respondent, by proceedings dated 06.12.2013, ordered for an enquiry under Section 81 of the Tamil Nadu Co-operative Societies Act, 1983. The Enquiry Authority conducted the said enquiry and submitted its report. The respondent was not satisfied with the same and raised certain queries to the Enquiry Authority. The said Enquiry



Authority submitted its reply on 04.08.2014. Thereafter, the respondent passed the impugned order dated 20.08.2014 invoking his powers under Section 81(5) of the Tamil Nadu Co-operative Societies Act, 1983.

4. Section 81(5) of the Tamil Nadu Co-operative Societies Act, 1983, reads as under:-

"It shall be competent for the Registrar to withdraw any inquiry from the person authorised by him under sub-section (1) and to hold the inquiry himself or entrust it to any other person as he deems fit."

5. A mere reading of the aforesaid provision would show that this power is to be employed only in respect of a pending enquiry. In the present case, the enquiry ordered under Section 81 of the Tamil Nadu Co-operative Societies Act, 1983, had already got concluded. Therefore, resort to this provision is clearly misconceived. The impugned order is patently without jurisdiction. Thus, the impugned order dated 20.08.2014 stands set aside.

6. This Writ Petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CSI)

/True Copy/

Sub-Assistant Registrar

To

The Deputy Registrar (Co-operative Housing),
Madurai Region,
K.K.Nagar, Madurai.

+One cc to Mr.M.Sureshkumar, Advocate, SR.No.40192

+One cc to The Special Government Pleader, SR.NO.40257

tsg

RL/4C/2P/JC/SAR1/25/1/2018

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