



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.03.2018

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P. (MD) No.23740 of 2017

and

W.M.P. (MD) No.19935 of 2017

S.Sundaram

... Petitioner

-Vs-

1. The Joint Registrar of Co-operative Society,
Sivagangai Region, Sivagangai.
2. The Deputy Registrar of Co-operative Societies,
Collectorate Complex, Sivagangai,
Sivagangai District.
3. The President,
NN432, Sivagangai Agricultural Producers
Co-operative Marketing Society Limited,
Sivagangai, Sivagangai District.
4. The Co-operative Sub Registrar / Managing Director,
NN432, Sivagangai Agricultural Producers
Co-operative Marketing Society Limited,
Sivagangai, Sivagangai District.

5. K.Senthil Vel Pandian

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the 2nd and 5th respondents to record the deposition of the petitioner on the basis of the representation made by the petitioner dated 31.10.2017 to the 2nd respondent within the time stipulated by this Court.

For Petitioner : Mr.P.R.Prithiviraj

For R1 to R4 : Mr.M.Rajaram,
Government Advocate.

For R5 : No Appearance

ORDER

This writ petition has been filed, seeking a direction to the respondents 2 and 5 to record the deposition of the petitioner in the enquiry conducted by the 5th respondent under Section 81 of the Co-operative Societies Act, 1983.

2.The grievance of the petitioner is that earlier, an enquiry was initiated by the 2nd respondent under Section 81 of the Co-operative Societies Act, 1983 (hereinafter called as the Act) against the NN432, Sivagangai Agricultural Producers Co-operative Marketing Society Limited, in which the petitioner was working as Secretary. The 5th respondent was appointed as enquiry officer, while conducting enquiry under Section 81 of the Act, the 5th respondent without issuing summons to the petitioner and without getting the statement of the petitioner has submitted a report. In such circumstances, the petitioner made a representation to the 2nd respondent to accept his deposition. But, the same was not considered, hence, the present writ petition has been filed.

3.I have heard the submissions made by the learned counsel appearing on either sides, and perused the materials available on record carefully.

4.The grievance of the petitioner is that during the enquiry conducted by the 5th respondent under Section 81 of the Act, no opportunity was given to the petitioner to raise his objections, and his statement was also not recorded, hence he come forward with this writ petition. Admittedly, now, the enquiry is over, and the 5th respondent / enquiry officer also filed his report. At this stage, the prayer sought for in this writ petition cannot be granted. Accordingly, this writ petition is dismissed. However, if the petitioner has any grievance against the report submitted by the 5th respondent / enquiry officer, it is always open to him to challenge the same in the manner known to law. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(AD-II)

/True Copy/

Sub Assistant Registrar

To

1. The Joint Registrar of Co-operative Society,
Sivagangai Region, Sivagangai.



2. The Deputy Registrar of Co-operative Societies,
Collectorate Complex, Sivagangai,
Sivagangai District.

3. The Co-operative Sub Registrar / Managing Director,
NN432, Sivagangai Agricultural Producers
Co-operative Marketing Society Limited,
Sivagangai, Sivagangai District.

+ 1 cc TO Mr.D.Sadiq Raja , Advocate in SR No. 55592
+ 1 cc TO The Special Government Pleader in SR No. 56019

Mry
AE/SKN RSK/SAR4/03.04.2018/3P/6C

W.P (MD) No.23740 of 2017
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