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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.10.2018

CORAM:

THE HONOURABLE Mr.JUSTICE S.VAIDYANATHAN

W.P.(MD)No.20664 of 2018

S.Malaichamy ... Petitioner

Vs.

1. The Registrar of Co-operative Societies,
   O/o. Co-operative Societies,
   Kilpauk,
   Chennai.

2. The Joint Registrar of Co-operative Societies,
   Sivagangai Region,
   Sivagangai.

3. The Deputy Registrar of Co-operative Societies,
   Sivagangai. ... Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 01.06.2018 in accordance with law within time stipulated by this Court.

For Petitioner : Mr.P.R.Prithiviraj
For Respondents : Mr.S.Dhayalan
Govt.Advocate

O R D E R

This Writ Petition has been filed, seeking a direction to the respondents to consider the petitioner's representation, dated 01.06.2018, in accordance with law.

2.The case of the petitioner is that the enquiry officer has given a negative report against him, without considering his explanation and deposition. Therefore, he has sent a representation to the respondents 1 and 2 by furnishing all the details to conduct a denovo enquiry under Section 81 of Tamil Nadu Co-operative Societies Act, 1983. Since the said representations did not evince any response, the petitioner is before this Court seeking the above relief.

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3. The contention of the respondents is that the petitioner, being the Field Manager, has recommended loan to various persons, without following due procedures, thereby caused loss to the Society.

4. I have heard the learned counsel appearing on either side and perused the materials available on record.

5. The question as to whether denovo enquiry has to be conducted or not had not be gone into at this stage. A blanket direction for consider / disposal of the representation would amount to reopening of the previous finding of the enquiry officer, thereby effectively to stall the procedures. If the contention of the petitioner is accepted, there will be a chance of the petitioner coming with same plea of reopening the matter every time, till such time a finding is rendered in favour of him. It is needless to state that the disposal of the representation would stall the entire proceedings and hence, this Court is not inclined to grant the relief sought for by the petitioner, as the grant of relief sought for by the petitioner would amount to unsettle the settled issue insofar as the petitioner is concerned.

6. In the result, the writ petition stands dismissed. No costs.

Sd/-
Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar (CS-II)

To

1. The Registrar of Co-operative Societies,
   O/o. Co-operative Societies,
   Kilpauk, Chennai.

2. The Joint Registrar of Co-operative Societies,
   Sivagangai Region, Sivagangai.

3. The Deputy Registrar of Co-operative Societies,
   Sivagangai.

+ 1 CC TO Mr.D.SADIQ RAJA, ADVOCATE IN SR No. 88722
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 88659

MPK
TE/RSK/SAR-2 : 26/11/2018 : 2P/6C

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