

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.01.2019

CORAM

THE HONOURABLE Mr.JUSTICE S.M.SUBRAMANIAM

W.P.No.34852 of 2005

and

MP.No.37744 of 2005

R.Krishnaraj

..Petitioner

vs

1. The Deputy Registrar of
Co-operative Societies,
22, A.R.K.Complex,
Manjakuppam, Cuddalore.
2. The Inspector of Police,
CCIW - CID, Cuddalore District.
3. The Inspector of Police,
Vigilance & Anti corruption,
Cuddalore, Cuddalore District.
4. The Inquiry Officer,
(U/s.81 TNCS Act)
Employees Co-operative Housing
Society Ltd, No.2, Abdulkhader Sandhu,
Manjakuppam, Cuddalore.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, forbearing the respondents from proceeding further pursuant to the 81 inquiry report dated 02.08.2005 issued by the 4th respondent as the same is contrary to sec.81 of TMCS Act 1983 and contrary to rules 1988.

For Petitioner :Mr.K.Raja

For Respondents :Mrs.T.Girija
1 to 4 Govt.Advocate (Co-Op)

O R D E R

The relief sought for in the present writ petition is to forbear the respondents from proceeding further pursuant to the 81 inquiry report dated 02.08.2005 issued by the 4th respondent.

2. Enquiry under Section 81 of the Tamil Nadu Cooperative Societies Act is a statutory enquiry. Such enquiries are ordered in order to find out the irregularities, illegalities or misappropriation if any in the Cooperative Societies. The statutory enquiry ordered under Section 81 of the Cooperative Societies Act would not constitute any cause of action for the purpose of filing the present writ petition. Based on the enquiry report, threefold actions are permissible.

3. The persons who are responsible can be prosecuted under the criminal provisions by the Central Crime Investigation Wing and disciplinary actions can be initiated against the employees of the Cooperative Societies, if they commit any irregularity or surcharge proceedings under Section 87 of the Act shall be initiated if there is any financial loss to the Cooperative Societies. In the event of initiation of any such proceedings against the the writ petitioner, it is left open to him to adjudicate the same in the manner known to law. However, the relief as such sought for to forbear the respondents from proceeding further pursuant to the 81 enquiry report is not only premature but certainly untenable.

4. Accordingly, the writ petition stands dismissed. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

Pkn

To

1.The Deputy Registrar of
Co-operative Societies,
22, A.R.K.Complex,
Manjakuppam, Cuddalore.

2.The Inspector of Police,
CCIW - CID, Cuddalore District.

3.The Inspector of Police,
Vigilance & Anti corruption,
Cuddalore, Cuddalore District.

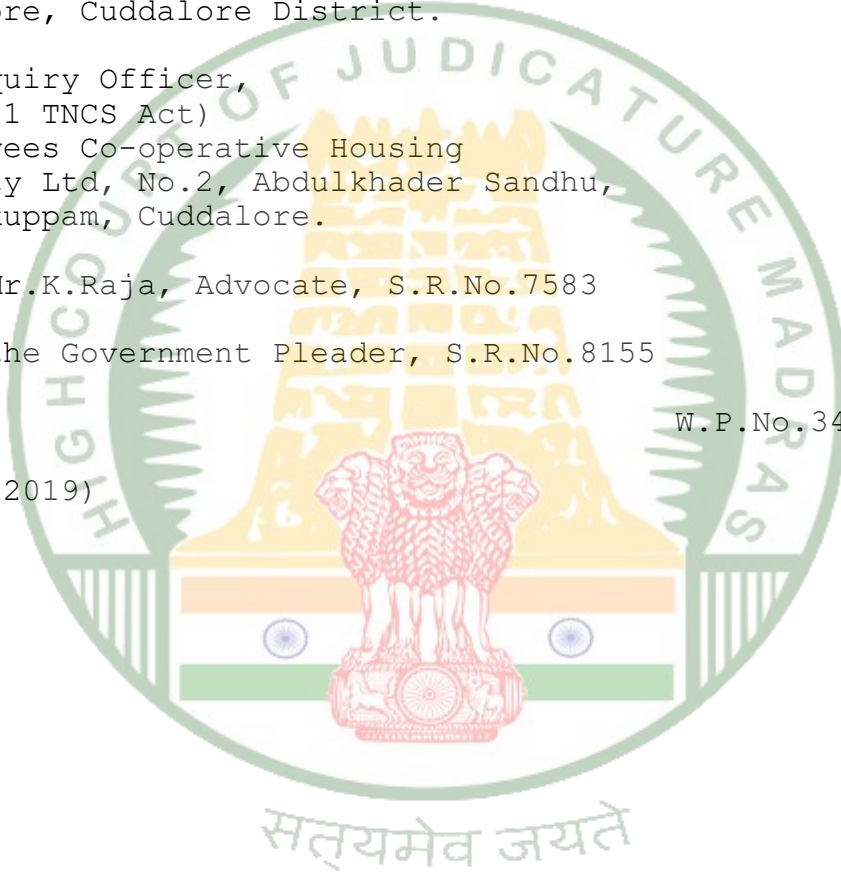
4. The Inquiry Officer,
(U/s.81 TNCS Act)
Employees Co-operative Housing
Society Ltd, No.2, Abdulkhader Sandhu,
Manjakuppam, Cuddalore.

+1 cc to Mr.K.Raja, Advocate, S.R.No.7583

+1 cc to the Government Pleader, S.R.No.8155

W.P.No.34852 of 2005

GJ(CO)
SSM(07/03/2019)



WEB COPY