

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.04.2019

CORAM

THE HONOURABLE Mr.JUSTICE D.KRISHNAKUMAR

W.P.No.7321 of 2019 &
W.M.P.Nos.8006 & 8011 of 2019

G.Rajeswari

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Petitioner

Vs.

- 1.The Registrar of C-operative Societies,
Kilpauk, Chennai - 10.
- 2.The Joint Registrar of Co-operative Societies,
Krishnagiri Region, Krishnagiri,
Krishnagiri District.
- 3.The Deputy Registrar of Co-operative Societies,
Hosur Circle, Hosur, Krishnagiri District.
- 4.The Superintendent of Police,
CCIW CID, Guindy,
Chennai.
- 5.P.Sundaram
- 6.The President,
D.K.80, Berigai Primary Agricultural
Co-operative Credit Society,
Sulagiri Road, Berigai - 635 105.
Sulagiri Taluk, Krishnagiri District.
- 7.V.Anand
President,
D.K.80, Berigai Primary Agricultural
Co-operative Credit Society,
Sulagiri Road, Berigai - 635 105.
Sulagiri Taluk, Krishnagiri District.
- 8.N.Subramaniyan
- 9.V.Sumathi
- 10.P.V.Srinivas
- 11.M.Sathyanarayanan

- 12.R.Somasekar
13.Narayanappa
14.The Enquiry Officer,
D.K.80, Berigai Primary Agricultural
Co-operative Credit Society,
Sulagiri Road, Berigai - 635 105.
Sulagiri Taluk, Krishnagiri District.

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Respondents

Prayer:- The Writ Petition is filed under Article 226 of the Constitution of India, seeking for issuance of Writ of Certiorari to call for the records relating to the impugned enquiry report dated 08.01.2019 submitted by the 14th respondent to the third respondent and quash the same.

For Petitioner :Mr.C.Prakasam

For Respondents :Mr.Bala Ramesh
Special Government Pleader for R1 to R3

Mr.M.S.Palaniswamy
Standing Counsel for R5 & R6

O R D E R

It is brought to the knowledge of this Court by all the parties that the Division Bench of this Court, by an order dated 12.03.2019 in W.A.No.780 of 2019, has passed the following order:-

"6. Considering the facts of the case, we are of the view that the learned Single Judge was perfectly right in rejecting the said writ petition. Admittedly, there is an enquiry going on under the provisions of the Tamil Nadu Cooperative Societies Act. In such circumstances, the correctness of the procedure adopted in the sanction of loan has to be examined. Given the fact that a huge amount of money of the society had been disbursed by way of loan, we are of the view that the enquiry to be conducted should be at higher level and should be monitored by the Registrar of Cooperative Societies to see that wrong doers are brought to books and stringent action is initiated.

7. Therefore, while dismissing this writ appeal, we direct the Registrar of Cooperative Societies ? the fifth respondent herein to take effective steps to

ensure that the enquiry conducted into the affairs of the society is done in a proper manner. The Registrar of Cooperative Societies shall monitor the entire investigation and proceed further in accordance with law. Since the funds transacted by the society alone amounted to several crores of rupees, we are of the view that the enquiry shall be conducted by an officer, who is in the cadre of Additional Registrar of Cooperative Societies. Parallely, the Registrar of Cooperative Societies is also directed to lodge a criminal complaint before the Central Crime Branch, Krishnagiri District, so that the police can investigate the matter from criminal angle. The above directions shall be complied with within a period of two weeks from the date of receipt of a copy of this judgment. No costs.

2. Pursuant to the order of the Division Bench, the Registrar of Co-operative Societies Act, by proceedings in R.O.C.No.1763/2019/WPA1(1), dated 12.04.2019, appointed one Dr.D.Amaladoss, Additional Registrar / Managing Director, Tamil Nadu Consumer Co-operative Federation, Chennai, to enquire and examine the allegations made by the Department. Therefore, at this juncture, it is not necessary to adjudicate the prayer sought for by the petitioner and it is for the petitioner to work out her remedy in the manner known to law, if so advised.

3. Accordingly, the Writ Petition is dismissed with the above observations. There is no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

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To

1.The Registrar of C-operative Societies,
Kilpauk, Chennai - 10.

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

3.The Deputy Registrar of Co-operative Societies,
Hosur Circle, Hosur, Krishnagiri District.

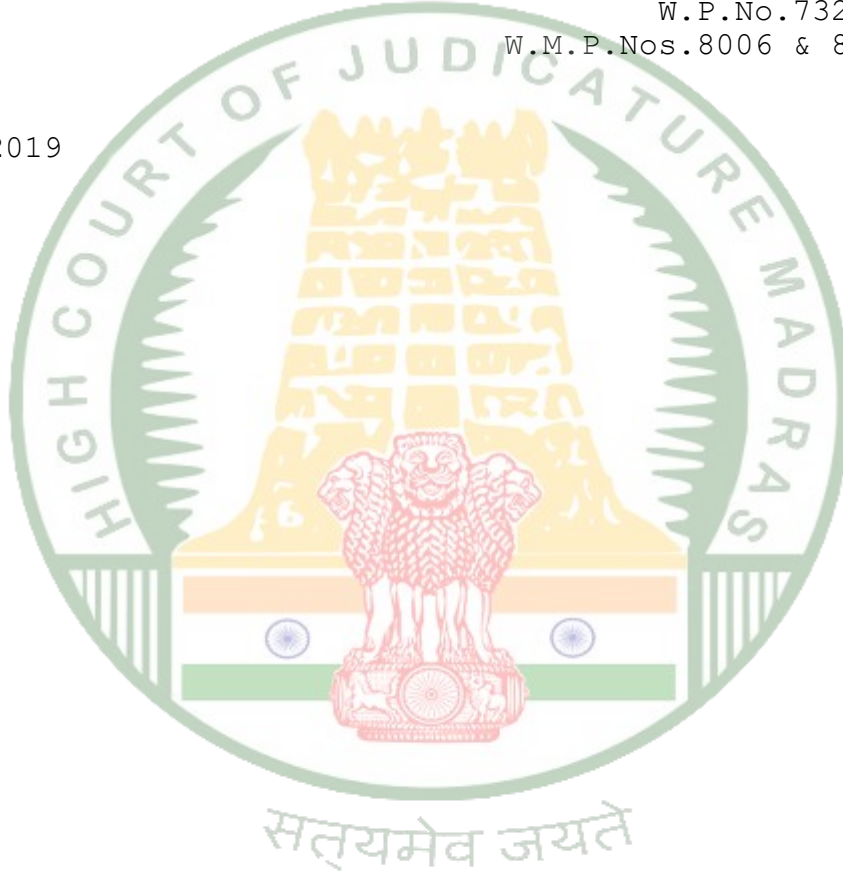
4.The Superintendent of Police,
CCIW CID, Guindy,
Chennai.

+2cc to Mr.C.Prakasam, Advocate sr.40496

+1cc to Mr.M.S.Palaniswamy, Advocate sr.40009

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