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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.07.2019

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

W.P.No. 13575 of 2019

S.556, Bairamangalam Primary
Agricultural Co-operative Credit Society Ltd.,
Rep by its President,
Bairamangalam,
Denkanikottai Taluk,
Krishnagiri District.

... Petitioner

Versus

1. The Joint Registrar of Co-operative Societies,
Krishnagiri Region,
Krishnagiri.
2. The Deputy Registrar of Co-operative Societies,
Hosur Circle,
Hosur.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for the issue of Writ of Mandamus, to direct the second respondent to return the original all account books and documents to the petitioner society.

For Petitioner : Mr.Shiva Kumar P.K.

For Respondents : Mr.D.Venkatachalam
Additional Government Pleader

O R D E R

The petitioner herein, is the President of the Co-operative Society. He has filed this writ petition contending that the Financing Institute conducted inspection of the society and had seized the documents maintained by the society alleging irregularity. The documents have been taken away by the Central Co-operative Bank Officers on 09.11.2017 and not returned till date. Hence, the representation on 09.04.2019 was given to the Managing Director/Joint Registrar, Central Co-operative Bank, Dharmapuri District. Following his representation, the first respondent has written a letter to the second respondent stating



that the records are forwarded to the Joint Registrar Office, Hosur. Further, the Joint Registrar has handed over the records to the Deputy Registrar to sue and initiate action.

2. Learned counsel appearing for the petitioner submitted that the respondents has no power to retain the records under Section 84 of the Tamil Nadu Co-operative Societies Act and they can only inspect the records. Under Section 83 of the Act, the financing bank has only power to inspect the books of account and they have no right to seize the books of account.

3. Learned Additional Government Pleader appearing for the respondents would submit that during the inspection conducted by the financing bank, grave irregularity and misappropriation has been noted, which has led to seizure of the books of account from the Petitioner Society. Thereafter, the records are now submitted to the Deputy Registrar for initiating proceedings under Rule 21 of the Tamil Nadu Co-operative Societies Act Rules, which states that the Joint Registrar has power to retain the account book or record in connection with any action taken or proposed to be taken. The communication of the Deputy Registrar Co-operative Societies, Hosur, reveals that action under Section 81 of the Act is contemplated in connection with irregularities in the Petitioner Bank.

4. In the light of the above fact and the power conferred under Rule 21 (6) of the Tamil Nadu Co-operative Societies Rules, the petitioner shall have no right to seek for return of original records which is necessary for conducting Section 81 proceedings. However, as submitted by the learned Additional Government Pleader appearing for the respondents, the petitioners are at liberty to seek for the photocopy of the books of accounts from the Joint Registrar.

5. With the above observations, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

sni



To

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1. The Joint Registrar of Co-operative Societies,
Krishnagiri Region,
Krishnagiri.
2. The Deputy Registrar of Co-operative Societies,
Hosur Circle,
Hosur.

+1cc to Government Pleader sr.55418

+1cc to Mr.Shiva Kumar P.K., Advocate sr.55354

W.P.No. 13575 of 2019

gp(co)
nr 31/07/2019