

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.05.2019

CORAM

THE HONOURABLE Mr. JUSTICE S.VAIDYANATHAN

W.P. No.14109 of 2019

and

W.M.P.No.14163 of 2019

N. Poomalai

...Petitioner

Vs

1. The Secretary,
Law Department,
St. George Fort,
Chennai - 600 009.
2. The Secretary,
Co-operative Consumer Food & Production,
St. George Fort,
Chennai - 600 009.
3. The Registrar,
O/o. Registrar of Co-operative Societies,
Chennai - 600 010.
4. The Joint Registrar,
O/o. Joint Registrar of Co-operative Societies,
Villupuram.
5. The Deputy Registrar,
O/o. Deputy Registrar of Co-operative Societies,
Jayapuram,
Tindivanam.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a writ, order or direction in the nature of appropriate Writ of Certiorarified Mandamus, to call for the records relating to the 5th respondent's letter dated 25.04.2019 in Na. Ka. No.2847/2018 SaPa1(1) and quash the same and consequently direct the 5th respondent to furnish the documents sought by the petitioner.

For Petitioner : Mr.R. Karunagaran
For Respondents : Mr.L.P.Shanmugasundaram
for RR1 and 2
Ms. T. Girija for RR3 to 5

O R D E R

By consent of both parties, this writ petition is taken up for final disposal.

2. This writ petition is filed to quash the letter in Na. Ka. No.2847/2018 SaPal(1), dated 25.04.2019 on the file of the fifth respondent and for a consequential direction to the 5th respondent to furnish the documents as sought for by the petitioner.

3. The brief facts of the case are as follows :-

The petitioner is working in the Malpakkam Primary Agricultural Co-operative Credit Society. While so, Section 87 proceedings have been initiated against him and the 5th respondent was appointed as Enquiry Officer. When the fifth respondent initiated surcharge Proceedings, the petitioner sent a letter dated 27.03.2019 seeking to furnish some documents pertaining to the Charge Memo for which, the 5th respondent by his letter dated 08.04.2019 directed the petitioner to peruse the documents at the time of enquiry. In the notice, dated 08.04.2019, the petitioner was directed to appear for an enquiry on 25.4.2019 with all available documents and if he fails to appear, a decision would be taken based on the materials available. Challenging the summons, dated 25.04.2019, the petitioner has come forward with the present writ petition.

4. The learned counsel for the petitioner would submit that the petitioner has requested for certain documents and the same were not produced by the respondents, till date, however, without furnishing the documents sought for, the fifth respondent is proceeding with the enquiry.

5. Per contra, Ms. T. Girija, learned counsel appearing for the respondents 3 to 5 would submit that documents sought for by the petitioner are available, and it is for the petitioner to verify the documents and takes notes of the same to put forth his case. If copies are required, the petitioner may be given the same, subject to payment of costs by the petitioner.

6. Considering the submissions so made by the learned counsel on either side, this Court directs the petitioner to approach the respondent / authority concerned on 22.05.2019 for scrutinizing the documents and to avail the copies of the

documents, subject to the payment of costs, if any prescribed. On receipt of such payment, the concerned authority shall furnish the documents to the petitioner. Further on collection of such documents, the petitioner shall participate in the enquiry, which has to be conducted on day - today basis, without giving adjournments beyond 10 working days at any point of time, so that the matter can be given a quietus to. It is open to the petitioner to challenge the decision of the authority after final decision and he cannot approach this Court intermittently.

7. With the above directions, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

vsi2

To

1. The Secretary,
Law Department,
St. George Fort, Chennai - 600 009.
2. The Secretary,
Co-operative Consumer Food & Production,
St. George Fort, Chennai - 600 009.
3. The Registrar,
O/o. Registrar of Co-operative Societies,
Chennai - 600 010.
4. The Joint Registrar,
O/o. Joint Registrar of Co-operative Societies,
Villupuram.
5. The Deputy Registrar,
O/o. Deputy Registrar of Co-operative Societies,
Jayapuram, Tindivanam.

+1cc to Special Government Pleader (CO-OP) SR.No.43579

W.P. No.14109 of 2019
and
W.M.P.No.14163 of 2019

GJ II(CO)
GMY(20/05/2019)