

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 12.06.2019

CORAM:

THE HONOURABLE MR. JUSTICE DR.G.JAYACHANDRAN

Writ Petition No.15337 of 2019
and
WMP.No.15321 of 2019

S.Paulraj

..Petitioner

-Vs-

1.The Deputy Registrar of Co-op societies,
Office of the Deputy Registrar of Co-op Societies,
Attur Circle, Attur, Salem Dt.

2.The Attur Agriculture Producers Co-op Marketing
Society,
Attur, Salem Dt,
by its President.

..Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of mandamus or any other appropriate writ or order or direction, directing the 1st respondent to permit the petitioner to take the assistance of a lawyer in the surcharge proceedings held under Section 87 of the Tamil Nadu Co-op societies Act 1983 into proceedings No Na Ka 3697/2004 Sa Pa dated 30.04.2005 of the first respondent.

For petitioner : M/s.S.Venkataraman

For Respondents : Mr.L.P.Shanmugasundaram
Special Government Pleader

ORDER

Heard the learned counsel for the writ petitioner and the learned counsel for the respondents.

2 The grievance of the writ petitioner is that, he is facing surcharge proceedings under the provisions of the Tamil Nadu Co operative societies Act. To assist him, he has sought for permission from the Presiding Officer to engage a lawyer and his request dated 11.03.2019 not been positively considered by the Joint Registrar, Aathur Division. Hence, the present Writ Petition.

3 In the Surcharge proceedings, where the authorities are empowered to impose penalty and recovery of money after affording fair opportunity, legal assistance ought to be provided if sought for. Therefore, the Presiding Officer shall not deny the right of the petitioner to engage a lawyer of his choice to assist him. Hence, the relief sought for by the petitioner is granted. The first respondent shall permit the petitioner herein to take assistance of the lawyer of his choice, during the Surcharge proceedings.

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

rpl/sbn

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

- 1.The Deputy Registrar of Co-op societies,
Office of the Deputy Registrar of Co-op Societies,
Attur Circle, Attur, Salem Dt.
- 2.The President,
Attur Agriculture Producers Co-op Marketing
Society,
Attur, Salem Dt, by its President.

+1cc to Mr.S.Venkataraman, Advocate, SR.No.47820
+1cc to Mr.L.P.Shanmugasundaram, Advocate, SR.No.47961
+1cc to the Govt.Pleader, Vide Sr.No.47990

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Kak(18/07/2019)