

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.02.2019

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.16215 of 2018
and
WMP.Nos.19309 of 2018

G.Kuppusamy

... Petitioner

Versus

1.The Deputy Registrar of Cooperative Societies,
Tindivanam Circle, Tindivanam, Villupuram District.

2.The Enquiry Officer,
Melpakkam Primary Agricultural Cooperative
Credit Society,
Melpakkam, Ayyanthoppu Post - 604 307.
Tindivanam Taluk, Villupuram District.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to furnish copy of the order passed by the 1st respondent for conducting enquiry u/s. 81 of Tamil Nadu Cooperative Societies Act along with details of the alleged irregularities committed in the Melpakkam Primary Agricultural Cooperative Credit Society, melpakkam, Ayyanthoppu Post - 604 307, Tindivanam Taluk, Villupuram District.

For Petitioner : Mr.C.Prakasam

For Respondents

No.1&2 : Mr.L.P.Shanmugasundaram
Spl.Govt.Pleader

O R D E R

The relief sought for in the present writ petition is for a direction to direct the respondents to furnish copy of the order passed by the first respondent for conducting enquiry under Section 81 of the Tamil Nadu Cooperative Societies Act, along

with details of the alleged irregularities committed in the Melpakkam Primary Agricultural Cooperative Credit Society, Melpakkam, Ayyanthoppu Post.

2. The writ petitioner is working as a Secretary of the 2nd respondent Cooperative Society. The first respondent Deputy Registrar of Cooperative Societies ordered for an enquiry under Section 81 of the Tamil Nadu Cooperative Societies Act, on account of certain irregularities of the society was brought to the notice of the first respondent. The Enquiry Officer directed the writ petitioner to handover the records for inspection/enquiry. Under these circumstances, the writ petitioner filed the present writ petition.

3. An enquiry under Section 81 of the Act is statutory in character. A statutory enquiry is ordered by the Competent Authority to find out if there is any irregularities, illegalities or otherwise in respect of the affairs of the Cooperative society. Such statutory enquiries ordered under Section 81 of the Cooperative Societies Act would not confer any right on the employees to file a writ petition. Mere enquiry will not provide any cause for the writ petitioner to file the writ petition as he is not aggrieved from and out of such statutory enquiry. The procedures adopting under provisions of the Act is that on information, the Competent Authorities are ordering for an enquiry under Section 81 and after the receipt of the report from the Enquiry Officer, all further actions will be initiated based on the enquiry report. Thus, mere ordering of an enquiry under Section 81 would confer any right on the writ petitioner to file the writ petition and seek for remedy. He is not an aggrieved person as of now and no action has been taken against the writ petitioner so far. Thus, the writ petition is filed as an apprehension and the same cannot be entertained under Article 226 of the Constitution of India. In view of the fact that the writ petitioner has not established even a semblance of legal right so as to consider the relief as sought for in the present writ petition. Accordingly, the writ petition stands dismissed. No Costs. Consequently, connected miscellaneous petition is closed.

Pkn

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

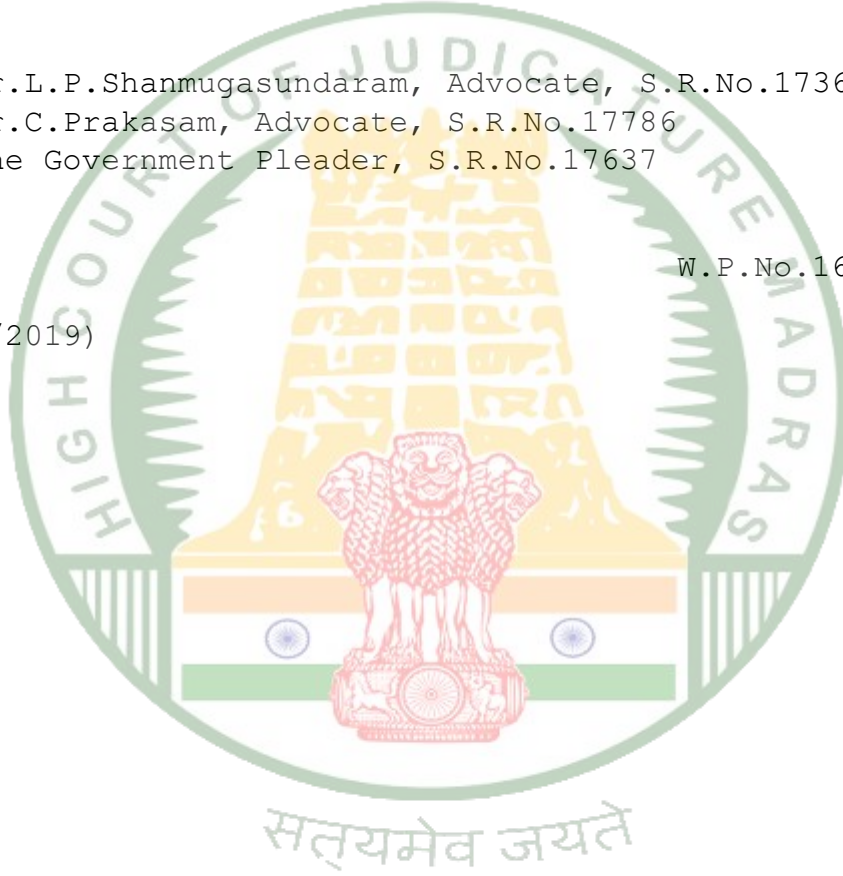
To

- 1.The Deputy Registrar of Cooperative Societies,
Tindivanam Circle, Tindivanam, Villupuram District.
2. The Enquiry Officer,
Melpakkam Primary Agricultural Cooperative
Credit Society,
Melpakkam, Ayyanthoppu Post - 604 307.
Tindivanam Taluk, Villupuram District.

+1cc to Mr.L.P.Shanmugasundaram, Advocate, S.R.No.17369
+1cc to Mr.C.Prakasam, Advocate, S.R.No.17786
+1cc to the Government Pleader, S.R.No.17637

W.P.No.16215 of 2018

Kak(03/04/2019)



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