



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.11.2019

CORAM:

THE HON'BLE MR. JUSTICE T.RAJA

W.P.No.5256 of 2017

C.Baladhandapani

.. Petitioner

Vs

1.The Deputy Registrar of Cooperative Societies,
Dharapuram Circle,
Dharapuram.

2.The Management,
C.E.17, Dharapuram General Employees,
Cooperative Credit Society,
Dharapuram.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorari to call for the records relating to the order dated 09.01.2017 made in Na.Ka.1097/2016/sapa on the file of the first respondent and quash the same.

For Petitioner : Mr.V.Suguna Devi

For R1 : Mrs.T.Girija, GA

For R2 : Mr.L.P.Shanmughasundaram
Standing Counsel

ORDER

The petitioner has filed this writ petition challenging the impugned show cause notice dated 09.01.2017 issued by the first respondent / Deputy Registrar of Cooperative Societies, Dharapuram, under Section 87 of the Tamil Nadu Cooperative Societies Act, 1983 (in short "the Act").

2. Heard the learned counsel appearing on either side.



3. It is averred in the affidavit filed in support of the writ petition that while the petitioner was functioning as President of the second respondent Society, an inspection was conducted under Section 82 of the Act and during the said inspection, it is found that the petitioner has caused certain monetary loss to the society. It is further stated that although the petitioner is answerable to the loss caused to the Society, at the same time, the first respondent is also bound to furnish all the relevant documents while issuing show cause notice. However, the first respondent has not furnished any such document and therefore, he made a representation dated 13.06.2016 requesting them to furnish the inspection report filed under Section 82 of the Act. On receipt of such representation, the first respondent, instead of furnishing the inspection report, has issued the impugned show cause notice, that too, without furnishing relevant documents, hence, the same is liable to be quashed.

4. It is stand of the learned Government Advocate appearing for the first respondent that when the petitioner has filed W.P.No.23838 of 2016 on the ground that he was not furnished with the relevant documents, this Court, vide order dated 13.07.2016, directed the first respondent to pass appropriate orders on the representation of the petitioner dated 13.06.2016 and thereafter to take a final decision regarding further proceeding. Pursuant to the order of this Court, a summon was issued on 09.02.2017 to the petitioner directing him to receive all the documents on 17.02.2016. However, the petitioner did not come forward to collect those documents and hence, the same were sent by way of parcel to the petitioner on 23.02.2017, but, even the said parcel was also returned back on 08.03.2017.

5. It is seen from the records available before this Court that on 10.03.2017, Mr.M.Thirumavalavan, Deputy Registrar of Cooperative Societies, Dharapuram Circle, appeared before the Court and produced a parcel sent to the petitioner's address on 25.02.2017 and returned on 08.03.2017. It is also seen that in the open Court itself, the said parcel was handed over to the learned counsel appearing for the petitioner on 10.03.2017 and the Court also directed the petitioner to find out whether the contents of the parcel would suffice or the petitioner is in need of some more documents and report to the Court on 14.03.2017. But, unfortunately, the petitioner, till date, has not replied to the same. That shows that the petitioner has received all the required documents.



6. Thus, the prayer made in the writ petition, questioning the correctness of the impugned show cause notice dated 09.01.2017 calling for an explanation from the petitioner as to why surcharge proceedings under Section 87 of the Act should not be initiated against him, is liable to be rejected and accordingly, the writ petition stands dismissed. No Costs. W.M.P.No.5578 of 2017 is closed.

Sd/-
Assistant Registrar

// True Copy//

Sub Assistant Registrar

rkm

To

1.The Deputy Registrar of Cooperative Societies,
Dharapuram Circle,
Dharapuram.

2.The Management,
C.E.17, Dharapuram General Employees,
Cooperative Credit Society,
Dharapuram.

+1cc to Mr.R.Aru Dattan, Advocate, SR.No.97141.
+1cc to Government Pleader, SR.No.96610.

W.P.No.5256 of 2017

NR(CO)
CSR: 08.01.2020

19.11.2019