

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22-03-2019

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.26437 of 2018

And

W.M.P.Nos.30713 and 30714 of 2018

B.Dharmalingam

.. Petitioner

- Vs. -

1.The Additional Registrar of Cooperative Societies,
Chennai Region,
3rd Floor, TANFED Building,
No.91, St. Mary's Road,
Abiramapuram,
Chennai-18.

2.The Registrar (Housing),
O/o.The Tamil Nadu Cooperative
Housing Federation Compound,
II Floor, No.48, Ritherden Road,
Vepery,
Chennai-600 007.

3.The Deputy Registrar (Housing),
No.18, Varartha Nagar Street,
Chengulpet - 603 001.

4.The Superintendent of Police,
CCIW - CID, 1st Floor,
Block II, SIDCO, Government Complex,
Old Corporate Office Building,
T.V.K. Industrial Estate,
Guindy,
Chennai-32.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records of the order of the third respondent made in Na.Ka.606/2015 E dated 9.8.2018 and to quash the same.

For Petitioner : Mr.L.Chandrakumar

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

O R D E R

The impugned order dated 9.8.2018, which is nothing but a copy of the complaint sent by the Deputy Registrar of Co-operative Societies (Housing), Chinglepet to the Superintendent of Police, Commercial Crime Investigation Wing, Chennai-32, is under challenge in the present writ petition.

2. On account of certain irregularities and illegalities noticed, the Deputy Registrar of Co-operative Societies (Housing), who is the competent authority under the provisions of the Tamil Nadu Co-operative Societies Act, 1983, sent a complaint to the Superintendent of Police, Commercial Crime Investigation Wing, Chennai-32, for registration of a criminal case for further investigation and for further prosecution. The very complaint is under challenge in the present writ petition.

3. This Court is of the considered opinion that such an official complaint lodged by the Deputy Registrar of Co-operative Societies to the Superintendent of Police, cannot provide cause of action for the writ petitioner to file the present writ petition. If at all, a criminal case is registered against the writ petitioner, based on the complaint sent by the Deputy Registrar of Co-operative Societies on 9.8.2018, the writ petitioner has to approach the Competent Forum for the purpose of redressing his grievances.

4. Contrarily, the writ petition, challenging the criminal complaint given by the Department, cannot be entertained. Under these circumstances, the writ petitioner has not shown any cause for the purpose of entertaining the present writ petition and at this stage, the writ petitioner cannot be said to be an aggrieved person in the eye of law.

5. Thus, the writ petitioner is at liberty to approach the Competent Authority, in the event of registration of a criminal complaint or on initiation of any other proceedings against the writ petitioner.

6. With the above observations, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are also dismissed.

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

Svn

To

- 1.The Additional Registrar of Cooperative Societies,
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Guindy, Chennai-32.

+1cc to Mr.L.Chandrakumar, Advocate SR.No.27785

+1cc to Government Pleader SR.No.28006

WP 26437 of 2018

SPP (C23/04/2019)