

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 19-03-2019

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

W.P.No.27078 of 2018
And
W.M.P.Nos.31497 and 31499 of 2018

N.Ravichandran

.. Petitioner

- Vs. -

- 1.The Deputy Registrar (Housing),
Cuddalore Region Cooperative Housing
Societies,
No.26, South Kavarai Street,
Manjakuppam,
Cuddalore,
Cuddalore District.
- 2.The Inspection Officer/Co-operative Sub
Registrar (Housing),
O/o.Deputy Registrar (Housing),
Cuddalore Region Cooperative Housing
Societies,
Manjakuppam,
Cuddalore,
Cuddalore District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the entire records relating to the impugned order passed by the first respondent in his proceedings Na.Ka.No.999/2018/Ki.Vi.Thi, dated 1.8.2018 and quash the same.

For Petitioner : Mr.C.Prakasam

For Respondents: Mr.L.P.Shanmugasundaram,
Special Government Pleader (Co-op.).

O R D E R

The impugned order dated 1.8.2018 is nothing but an order passed by the Deputy Registrar of Co-operative Societies (Housing) ordering for an inspection under Section 82 of the Tamil Nadu Co-operative Societies Act, 1983.

2. Section 82 of the Tamil Nadu Co-operative Societies Act, 1982 contemplates an inspection to be conducted by the competent authorities to inspect the records, administrative affairs and other activities of the Co-operative Societies registered under the Tamil Nadu Co-operative Societies Act, 1983.

3. It is a statutory inspection and inspections are conducted to identify the irregularities and the illegalities, if any, occurred in a Co-operative Society. Such statutory enquiries would not provide a cause for the writ petitioner to file the present writ petition with a prayer to quash the very enquiry itself.

4. The writ petitioner cannot be construed as an aggrieved person in view of the fact that even after submission of a report under Section 82 of the Tamil Nadu Co-operative Societies Act, 1983. If at all any irregularities or illegalities found, all further actions are to be initiated by following the procedures contemplated under law.

5. Thus, if any action is initiated against the writ petitioner based on the report, then alone he would be in a position to defend his case by availing the opportunities to be provided. Contrarily, an employee of a Co-operative Society cannot file a writ petition on the ground that ordering of an inspection under Section 82 of the Tamil Nadu Co-operative Societies Act, 1983, itself is illegal. If such a ground is accepted, this Court is of an opinion that the very purpose and the object of the provisions of the Statute will be defeated. The very purpose and the very object of the provision is to conduct inspections to identify the irregularities and illegalities, if any occurred in a Co-operative Society.

6. This being the factum, the writ petitioner has not established any cause for the purpose of filing the present writ petition and further, the writ petitioner cannot be construed as an aggrieved person in the eye of law.

7. Accordingly, the writ petition is devoid of merits and the same stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are also dismissed.

Sd/-

Assistant Registrar (CS V)

//True Copy//

Sub Assistant Registrar

Svn

To

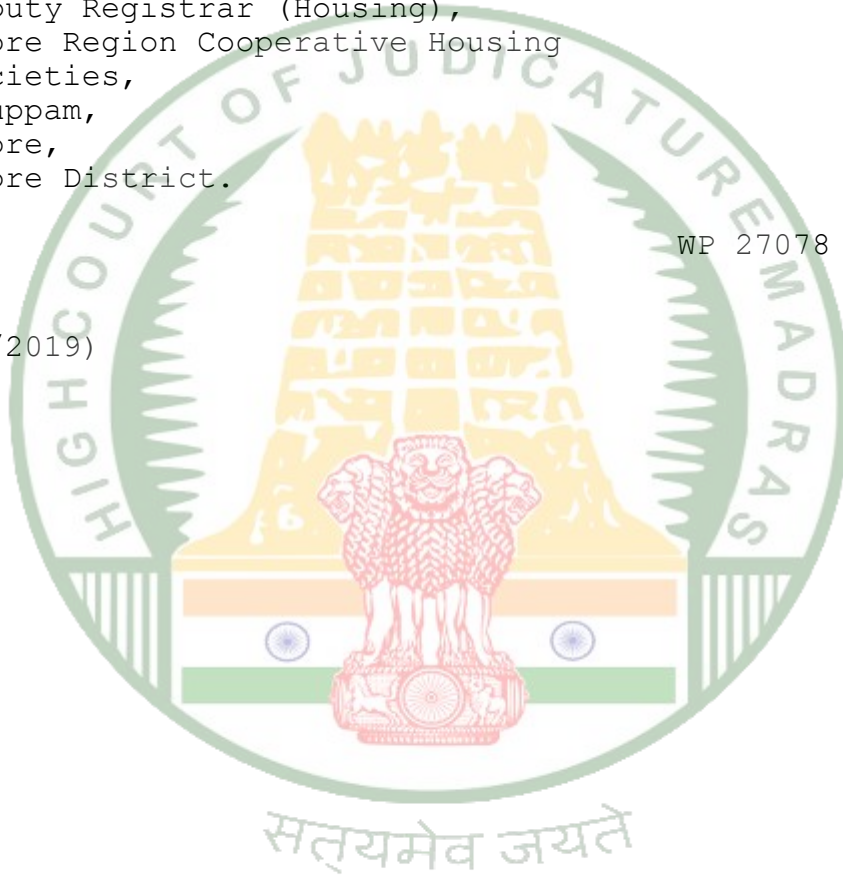
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WP 27078 of 2018

SPD (CO)

RRS (29/04/2019)



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