

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20-03-2019

CORAM

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

W.P.No.29871 of 2018

And

W.M.P.Nos.34876 and 34878 of 2018

T.Vedagiri

..Petitioner

- Vs. -

The Deputy Registrar of Co-operative Societies,
Maduranthagam Circle,
Maduranthagam,
Kancheepuram District.

...Respondent

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 respondent in his proceedings Na.Ka.3173/2017/AA1 dated 27.9.2018 and quash the same.

For Petitioner : Mr.C.Prakasam

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

O R D E R

The impugned order passed by the Deputy Registrar of Co-operative Societies, Madhuranthagam Circle, Kancheepuram District dated 27.9.2018 under Section 81 of the Tamil Nadu Co-operative Societies Act, to conduct an enquiry in respect of certain irregularities and illegalities into the affairs of the Co-operative Society.

2. Section 81 of the Tamil Nadu Co-operative Societies Act, 1983, provides an enquiry into the allegation of irregularities, illegalities and misappropriations or otherwise in respect of the administration and affairs of the Co-operative Societies across the State.

3. It is a statutory enquiry contemplated under the Tamil Nadu Co-operative Societies Act, 1983. Therefore, there cannot be any restriction in respect of the number of enquiries to be conducted. Statutory enquiry is a routine affair, which is to be carried out by the competent authorities to control and check the administrative activities of the Co-operative Societies.

4. This apart, the enquiry under Section 81 of the Tamil Nadu Co-operative Societies Act, 1983 would not provide a cause of action for the purpose of employees or other persons to challenge the same on the ground that the earlier enquiry was conducted in respect of such irregularities or illegalities.

5. Even if the earlier enquiries were conducted, this Court is of the considered opinion that once again such enquiries can be conducted, if there is any lapse or otherwise in respect of the same. The ultimate purpose and the object of the enquiry is to ensure that the Co-operative Societies are functioning properly and in accordance with the provisions of the Act and the Rules. If any competent authority received any information or complaint from any person, then statutory enquiry can be ordered to conduct an enquiry in respect of the affairs of the Co-operative Societies.

6. This being the scope of Section 81 of the Tamil Nadu Co-operative Societies Act, 1983 the very ground raised by the writ petitioner that already an enquiry was conducted and a report was submitted and that therefore, in respect of the same allegation, there cannot be another enquiry under Section 81 of the Act. Even if more than one enquiry under Section 81 is conducted, ultimately if any action is taken based on the report, then alone the employees or the persons concerned would get a cause of action for the purpose of adjudicating the issues and to redress the grievances.

7. Contrarily, the very ordering of an enquiry under Section 81 of the Tamil Nadu Co-operative Societies Act, 1983, cannot provide the cause of action for filing a writ petition and to quash such enquiry.

8. This being the scope and the interpretation to be provided in respect of the statutory enquiry conducted under Section 81 of the Tamil Nadu Co-operative Societies Act, 1983, the writ petitioner has not established any cause of action for the purpose of quashing the very enquiry and ultimately, if any action is initiated, it is left open to the writ petitioner to redress his grievances in the manner known to law.

9. 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.

Svn

Sd/-
Assistant Registrar

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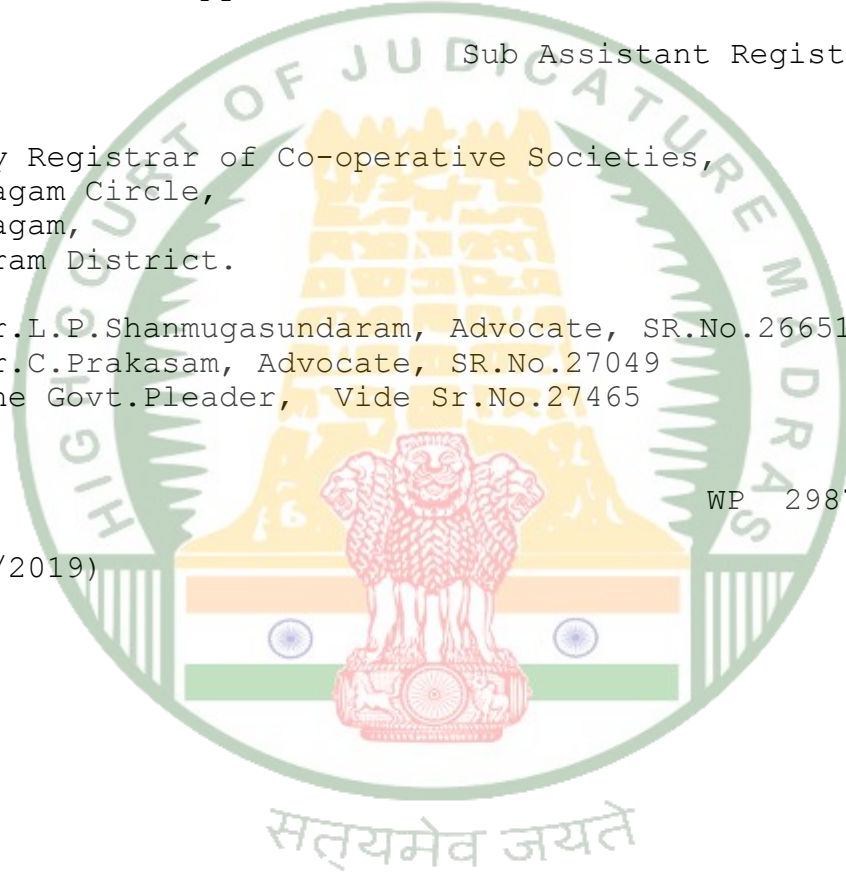
Sub Assistant Registrar

To
The Deputy Registrar of Co-operative Societies,
Maduranthagam Circle,
Maduranthagam,
Kancheepuram District.

+1cc to Mr.L.P.Shanmugasundaram, Advocate, SR.No.26651
+1cc to Mr.C.Prakasam, Advocate, SR.No.27049
+1cc to the Govt.Pleader, Vide Sr.No.27465

WP 29871 of 2018

Kak (07/05/2019)



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