



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 19.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

W.P.(MD) No.16303 of 2019

and W.M.P.(MD) .Nos. 12957 & 12959 of 2019

WEB COPY

Y. Kannan

... Petitioner

Vs.

1.The Deputy Registrar of Co-operative Societies,
O/o.Deputy Registrar of Co-operative Societies,
Paramakudi - Madurai Main Road,
Paramakudi Post & Taluk,
Ramanathapuram District.

2. The Mangement / Administrator,
Q 1285 Kavadipatti Primary Agriculture,
Co-operative Societies,
Kavadipatti Post, Kamuthi Taluk,
Ramnad District.

3. The U/s 81 Enquiry Officer,
Field Officer, Kamuthi,
O/o. Deputy Registrar of Coop. Societies,
Paramakudi, Ramnad District.

... Respondents

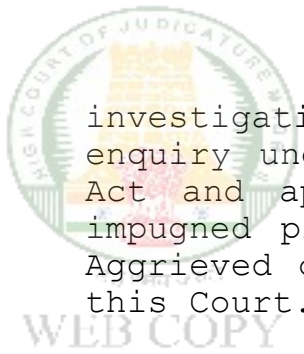
PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of **Writ of Certiorari** calling for records from the 1st Respondent relating to the impugned order passed by the 1st Respondent made in Na.Ka.No.1992/2018 Sa Pa dated 01.11.2018 and quash the same.

For Petitioner : Mr.C.G. Pethanaraj
For Respondents : Mrs.J. Padmavathi Devi,
Special Government Pleader

O R D E R

The instant Writ Petition is filed to quash the impugned order passed by the 1st Respondent made in Na.Ka.No.1992/2018 Sa.Pa, dated 01.11.2018.

2. According to the petitioner, he is an Ex-President of the 2nd respondent Society having held office from the year 2013 to 2018. The main object of the society is that to sanction agricultural loan and jewel loan to their members and implement the Government Scheme. Pursuant to an audit conducted in the year 2015-2016, enquiry under Section 80 of the said Act was recommended. Without any



investigation, the first respondent has issued order for conducting enquiry under Section 81 of the Tamil Nadu Co-operative Societies Act and appointed the third respondent/Enquiry Officer vide his impugned proceedings in Na.Ka.No.1992/2018 Sa.Pa dated 01.11.2018. Aggrieved over the same, the instant Writ Petition is filed before this Court.

3. The learned Special Government Pleader appearing for the first respondent would submit that, due to parliamentary elections, Enquiry Officer could not complete enquiry proceedings and hence he requested for extension of time before the Deputy Registrar of Co-operative Societies, which was granted upto 31.07.2019. In the meanwhile, the petitioner has preferred the instant Writ Petition challenging the impugned order passed by the 1st Respondent made in Na.Ka.No.1992/2018 Sa.Pa dated 01.11.2018. The Government Advocate has taken notice on behalf of the respondents on 23.07.2019 and sought time for filing counter.

4. Record of proceedings reveal that the learned Special Government Pleader informed before this Court that the enquiry was completed and the enquiry report is pending before the Joint Registrar of Co-operative Societies and sought time to produce the same before this Court on the next hearing date. This factum of completion of enquiry report was not produced before this Court on the next hearing date i.e., on 22.08.2019. The matter has been periodically adjourned for the past three months. Considering the totality of circumstances and relevant records, this Court is of the considered opinion that no notice or no opportunity was given to the petitioner before the impugned order passed.

5. It is well settled that principles of natural justice shall be adhered before condemning a person. The conduct of the enquiry without giving ample opportunity is a farce and that enquiry should be conducted after giving full opportunity to the petitioner. Therefore, the third respondent is directed to conduct enquiry afresh and submit a report before this Court, within a period of Four weeks from today. It goes without saying that during the enquiry, the petitioner can file his objection in person and or adduce evidence by examining his witnesses and cross-examining all the respondents' side witnesses.

6. With the above directions, the Writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

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To

1. The Deputy Registrar of Co-operative Societies,
O/o. Deputy Registrar of Co-operative Societies,
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3. The U/s 81 Enquiry Officer,
Field Officer, Kamuthi,
O/o. Deputy Registrar of Coop. Societies,
Paramakudi, Ramnad District.

+1 CC to Mr.C.G. PETHANARAJ, Advocate (SR-99807[F] dated
20/11/2019)

+1 CC to Mr.R. BABU JEGANATH, Advocate (SR-100147[F] dated
21/11/2019)

W.P. (MD) No.16303 of 2019
19.11.2019

MK (11.12.2019) 3P 6C