



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.08.2019

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.(MD) No.18281 of 2014
and
M.P.(MD) No.1 of 2014

Nagarajan

... Petitioner

vs.

1.The Deputy Registrar
Cooperative Housing
Madurai Region
K.K.Nagar, Madurai

2.The Cooperative Sub Registrar /
Enquiry Officer
A1990, Bodinayakkanur Cooperative
Housing Society Limited
Bodinayakkanur, Theni District

... Respondents

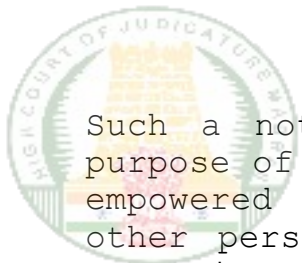
PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of certiorari calling the records relating to the proceedings of the 2nd respondent dated 24.10.2014 and quash the same.

For Petitioner : Mr.M.Suresh Kumar
For Respondents : Mr.D.Muruganandham
Additional Government Pleader

O R D E R

The enquiry notice, dated 24.10.2014, issued by the second respondent, under Section 81 of the Tamil Nadu Co-operative Societies Act, 1983 (hereinafter, referred to as "the Act"), is under challenge in the present writ petition.

2. The writ petitioner was working as Secretary in the second respondent / Co-operative Society and retired from service on 30.04.2009. Statutory enquiry was ordered by the competent authority under Section 81 of the Act. The Enquiry Officer, in order to conduct the statutory enquiry, issued a notice to the writ petitioner calling upon him to furnish the statements and provide informations regarding the affairs of the Co-operative Society.



Such a notice would not constitute any cause of action for the purpose of filing a writ petition. The statutory Enquiry Officer is empowered to summon the officials, members, retired officials or other persons, who all are connected with the affairs of the Co-operative Society. Statutory enquiry is ordered to cull out the truth regarding the irregularity, illegality, misappropriation, fraudulent activities etc. This being the scope of the statutory enquiry, the notice issued under Section 81 of Act issued by the Enquiry Officer for the purpose of conducting enquiry cannot be a ground to quash the very notice itself. The writ petitioner being a retired employee of the Co-operative Society is bound to participate in the process of enquiry and submit the truth or the informations within his knowledge. Under these circumstances, the writ petitioner has not established any cause of action for the purpose of quashing the notice issued under Section 81 of the Act and in fact, the writ petitioner is bound to participate in the process of enquiry and provide information to the Enquiry Officer so as to conduct an enquiry by following the procedures contemplated under Section 81 of the Act. This being the principles to be followed, the writ petitioner has not established any cause of action for the purpose of granting the relief as such sought for in the present writ petition.

3. Thus, the writ petition is devoid of merits and stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AS)

/True Copy/

Sub Assistant Registrar

To:

1.The Deputy Registrar,
Cooperative Housing,
Madurai Region,K.K.Nagar, Madurai.

2.The Cooperative Sub Registrar / Enquiry Officer,
A1990, Bodinayakkanur Cooperative,
Housing Society Limited,
Bodinayakkanur, Theni District.

+1CC TO SPECIAL GOVERNMENT PLEADER, SR NO.82854

W.P. (MD) No.18281 of 2014 and

M.P. (MD) No.1 of 2014

20.08.2019

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