



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

WEB COPY

W.P. (MD) No.24783 of 2019

R.Sivakumar

... Petitioner

vs.

1.The Registrar,
Co-operative Societies,
Keelpakkam, Chennai.

2.The Joint Registrar of Co-operative Societies,
Karaikudi Circle, Sivagangai District.

3.The Deputy Registrar of Co-operative Societies,
Karaikudi Circle, Sivagangai District.

4.RD 145, Tamil Nadu State Transport Corporation
Employees Co-operative Thrift & Credit Society,
rep. by its President K.S.Velmurugan,
Annanagar, Kovilur, Karaikudi,
Sivagangai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 1st to 3rd respondents to conduct the 81 enquiry after obtaining the basis records, based on the petitioner's representation dated 17.10.2019 in order to safeguard the loss to the 4th respondent society.

For Petitioner : Mr.R.Saravanan

For Respondents : Mr.M.Rajarajan
Government Advocate

O R D E R

Mr.M.Rajarajan, learned Government Advocate takes notice on behalf of the respondents.

2.By consent of both sides, the writ petition itself is taken up for final disposal at the stage of admission itself.

3.This writ petition has been filed for issuance of a direction, directing the 1st to 3rd respondents to conduct an enquiry under Section 81 of the Tamil Nadu Co-operative Societies



Act, after obtaining the basic records, based on the petitioner's representation dated 17.10.2019 in order to safeguard the 4th respondent society from incurring loss.

4. On perusal of the typed set of papers, it is seen that the said representation is made to safeguard the interest of the fourth respondent society from incurring any loss. Admittedly, there is an elected Board for the 4th respondent Society. The enquiry under Section 81 of the Tamil Nadu Co-operative Societies Act (hereinafter referred as Act) contemplates initiation of enquiry on *suo motu* by the Registrar or by recommendation by the majority of the Board or majority of the members. Further, in this case, the enquiry proceedings under Section 81 of the Act is pending. When it is under the process, the petitioner has no locus to direct the official respondents to conduct the enquiry in a particular manner.

5. Therefore, the writ petitioner has no locus to maintain the writ petition. Accordingly, this writ petition is dismissed. No costs.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

Sub Assistant Registrar (CS)

vs

To:

1. The Registrar, Co-operative Societies,
Keelpakkam, Chennai.
2. The Joint Registrar of Co-operative Societies,
Karaikudi Circle, Sivagangai District.
3. The Deputy Registrar of Co-operative Societies,
Karaikudi Circle, Sivagangai District.
4. K.S. Velmurugan, The President
RD 145, Tamil Nadu State Transport Corporation
Employees Co-operative Thrift & Credit Society,
Annanagar, Kovilur, Karaikudi, Sivagangai District.

+1 CC to M/s. R. SARAVANAN, Advocate (SR-100591[F] dated 22/11/2019)
+1 CC to M/s. SPL GP (SR-101125[F] dated 25/11/2019)

W. P. (MD) No.24783 of 2019
22.11.2019

JMN(10.12.2019) 2P : 7C