

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 13.06.2019

CORAM:

THE HONOURABLE **MR. JUSTICE S.M.SUBRAMANIAM****W.P. (MD) No. 4551 of 2011****and****M.P. (MD) .No.2 of 2011**

WEB COPY

A.Baskaran
S/o.M.Alagar,
Formerly Working as a
Co-operative Sub Registrar (Housing)
Paramakudi.
Presently working as a
Co-operative Sub Registrar/Special Officer,
Ramnad District Co-operative Union,
Ramanathapuram. ... Petitioner

Vs.

- 1.The Deputy Registrar (Housing)
Virudhunagar Region,
Virudhunagar District.
- 2.The Enquiry Officer,
Co-operative Sub Registrar (Housing)
Karaikudi,
Sivagangai District. ... Respondents

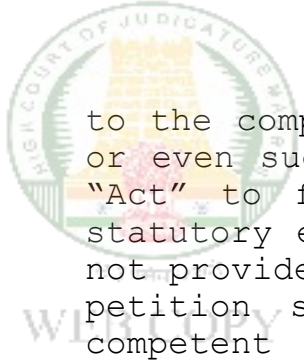
PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records relating to the order made in Na.Ka.No.4858/04 sa.pa dated 03.02.2011 passed by the 1st respondent and quash the same.

For Petitioner	: Mr.A.Vadivel
For Respondent R1	: Mr.D.Muruganantham Additional Government Pleader
For Respondent R2	: Mr.K.Mu.Muthu, Additional Government Pleader

ORDER

The order dated 03.02.2011 issued by the Deputy Registrar of Co-operative Society (Housing) Virudhunagar, ordering for a statutory enquiry under Section 81 of the Tamil Nadu Co-operative Societies Act (hereinafter referred as the "Act"), is under challenge in the present writ petition.

2.Section 81 enquiry under the "Act" is a statutory enquiry and the very purpose of invoking the provision by the competent authority is to conduct enquiry in respect of the affairs of the Co-operative Society, if any misappropriation, irregularity, illegality, fraudulent activities or corrupt activities, is informed



to the competent authority or within the knowledge of the authority or even suo-motu an enquiry can be ordered under Section 81 of the "Act" to find out such irregularities and illegalities. Such a statutory enquiry contemplated under Section 81 of the "Act", would not provide a cause of action for the writ petitioner to file a writ petition statutory enquiry can be ordered at any time by the competent authority for the purpose of culling out the truth regarding the illegality and financial loss if any.

3.This Court is of the considered opinion that mere ordering of an enquiry under Section 81 of the Act would not provide any cause nor the writ petitioner can be construed as an aggrieved person.

4.Pursuant to the order, to conduct an enquiry under Section 81 of the "Act", the Enquiry Officer has to conduct an enquiry by following the proceedings contemplated on receipt of the Section 81 Enquiry Report, the competent authorities are empowered to initiate three-fold actions, the departmental disciplinary proceeding can be initiated. Three-fold actions can be initiated, which are as follows:

(i)Departmental disciplinary proceedings action can be initiated.

(ii)A criminal case can be registered before the Commercial Crime Investigation Wing.

(iii)A surcharge proceedings can be initiated under Section 87 of the Tamil Nadu Co-operative Societies Act and to recover the financial loss if any, occurred to the Co-operative Society.

5.Thus, only in the event of initiation of action, pursuant to the Section 81 Enquiry Report, the writ petitioner would get cause of action for the purpose of approaching the competent forum. However, the present writ petition filed very ordering of Section 81 enquiry shows that the writ petitioner is approaching the Court without any grievance and the writ petitioner cannot be an aggrieved person. The writ petitioner is bound to co-operate for the conduct of an enquiry by the Enquiry officer. Under these circumstances, the writ petitioner has not established any right for the purpose of granting the relief as such sought for in the present writ petition.

6.In view of the above, this writ petition stands dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD II)

// True Copy //

Sub Assistant Registrar(CS)



To

1.The Deputy Registrar (Housing)
Virudhunagar Region,
Virudhunagar District.

2.The Enquiry Officer,
Co-operative Sub Registrar (Housing)
Karaikudi,
Sivagangai District.

+1cc to M/s.Special Government Pleader,SR.No. 68876

W.P. (MD)No.4551 of 2011
and
M.P. (MD) .No.2 of 2011

NS

KK/SAR/12.07.2019/3P-4C