

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 09.11.2020

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

W.P.No.14040 of 2020

V. Sankar

..Petitioner

Vs

1. The Deputy Registrar of Cooperative Societies,
Office of Deputy Registrar of Co-operative
Societies, Jayapuram,
Tindivanam 604 001,
Villupuram District.
2. The Management,
represented by its President,
Ongur Primary Agriculture Cooperative
Credit Society, Ongur,
Tindivanam Taluk,
Villupuram District.
3. The Secretary,
Ongur Primary Agriculture Cooperative
Credit Society, Ongur,
Tindivanam Taluk,
Villupuram District.

...Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus directing the 1st respondent to enquire on my complaint dated 06.06.2020 in terms of the provisions of the Tamil Nadu Cooperative Societies Act and initiate appropriate action against the 2nd and 3rd respondent.

For Petitioner : Mr.Balan Haridas

For Respondents : Mrs.T.Girija

Addl.Govt.Pleader for R1

Mr.L.P.Shanmugasundaram,

Spl. Govt. Pleader for R2 & R3

ORDER

This Writ Petition has been filed for the issue of Writ of Mandamus directing the 1st respondent to conduct an enquiry on the complaint given by the petitioner on 6.6.2020 against the 2nd and 3rd respondents.

2. The learned counsel for the petitioner submitted that the 2nd respondent expired on 18.10.2020 and the complaint is now pending only in so far as the 3rd respondent is concerned. Learned counsel further submitted that a summon has been issued by the 1st respondent to conduct the enquiry and therefore requested this Court to fix a time limit to take action on the complaint given by the petitioner.

3. The 1st respondent has filed a counter affidavit in this case. The relevant portions in the counter affidavit is extracted hereunder;

'4. In this connection, the following factual information is submitted below:-

a) It is submitted that Thiru V.Sankar, Vice President of the Ongur Society/Writ Petitioner herein in his complaint dated 06.06.2020 has alleged the following against the functioning of the Society as below:-

i) that the President/2nd respondent herein has obtained loan by improper methods;

ii) that society accounts was written by retired staff;

iii) that without approval of Board, terminal benefits was disbursed to Thiru Palani;

iv) allegation regarding convening of Executive Committee Meeting;

v) allegation regarding payment of subsistence allowance;

vi) non-consideration of loan application by the 2nd respondent;

vii) that Secretary not discharged his duties properly in sanction of loans;

viii) allegation regarding functioning of Public Distribution Shop (PDS) Shop;

5. It is humbly submitted that the complaint petition dt. 06.06.2020 of the petitioner has been referred to the Cooperative Sub Registrar/Field Officer/Olakur with a instruction to enquire into the allegation and submit report. Accordingly, the Field Officer/Olakur has issued summon on 19.10.2020 to the petitioner to appear for enquiry on 27.10.2020. After conducting hearing, the Field Officer will submit Enquiry Report on the complaint petition of the petitioner. After examining it, the 1st respondent assures that appropriate action will be taken by the 1st respondent, even under the provisions of Tamil Nadu Coop Societies Act, 1983 if need be.

Further it is submitted that the President incumbent/2nd respondent was expired on 18.10.2020. In terms of the provisions of the Act 1983 and Rules, 1988, the Vice-President/Petitioner will be the acting President until regular President gets elected.'

4. Mrs.T.Girija, learned Addl. Govt. Pleader appearing on behalf of the 1st respondent submitted that the 1st respondent has taken the complaint given by the petitioner on file and has already issued summons to the parties. The learned counsel submitted that the 1st respondent will take action in accordance with law within the time frame fixed by this Court.

5. Taking into consideration the facts and circumstances of the case and also of the fact that the 1st respondent has already taken cognizance of the complaint given by the petitioner and issued summons to the parties, there shall be a direction to the 1st respondent to conduct the enquiry and take appropriate action strictly in accordance with law within a period of six weeks from the date of receipt of a copy of this order and the complaint and the enquiry will confine itself only in so far as the 3rd respondent is concerned.

6.This Writ Petition is disposed of with the above directions. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Deputy Registrar of Cooperative Societies,
Office of Deputy Registrar of Co-operative
Societies, Jayapuram,
Tindivanam 604 001,
Villupuram District.

+1cc to Mr.Balanharidas, Advocate, S.R.No.36397
+1cc to the Government Pleader, S.R.No.36478

W.P.No.14040 of 2020

GMR (CO)
RV (10/12/2020)