

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :30.09.2020

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

WP.NO.13867 OF 2020 AND WMP.NOS.17227 & 17228 OF 2020

V.Krishnamurthy

.... Petitioner

Vs.

1. The Joint Registrar of Co-operative Societies,
Krishnagiri Region, Co-operative Colony,
Krishnagiri Post, Taluk and District.
2. The Deputy Registrar of Co-operative Societies,
Krishnagiri Circle,
Co-operative Colony,
Krishnagiri Post, Taluk and District.
3. The Co-operative Sub Registrar/
Enquiry Officer,
KK.117, Malaiyandahalli Primary
Agriculture Cooperative Credit Society,
Krishnagiri Circle / Kaveripattinam Field Office
Co-operative Colony,
Krishnagiri Post, Taluk and District

..Respondents

Prayer:-

Writ petitions filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari Mandamus to call for the records on the file of the Deputy Registrar of Tamil Nadu Co-operative Societies in proceeding CEP 04/2020/SAP.1 dated 06.06.2020 and to quash the same and direct the respondents herein to restrict the Surcharge proceedings No.04/2020/SAP-1 dated 04.06.2020 only to the alleged acts or omissions that took place within a period of seven years prior to the 04.06.2020 and to furnish all relevant documents requested by the petitioner in his representation dated 17.06.2020 and to permit the petitioner to engage a lawyer to defend him in the surcharge proceedings.

For Petitioner : Mr.Ravi

For Respondent : Mr.Bala Ramesh
Special Government Pleader

ORDER

This writ petition has been filed challenging the impugned surcharge proceedings initiated by the 2nd respondent.

2. The grievance of the petitioner is that the 2nd respondent has issued a showcause notice against the petitioner and others to commence surcharge proceedings, even without furnishing the enquiry report and the relevant documents. The petitioner made representations to the 2nd respondent on 17.06.2015 and 29.06.2020 and the same was also not acted upon by the 2nd respondent. Left with no other alternative, the present writ petition has been filed before this Court.

3. Heard the learned counsel appearing for the petitioner and Mr. Bala Ramesh, learned Special Government Pleader appearing on behalf of the respondents.

4. Taking into consideration the facts and circumstances of the case, this Court is not inclined to interfere with the surcharge proceedings initiated by the 2nd respondent. The main grievance expressed by the petitioner is that the 2nd respondent is proceeding further to conduct the surcharge proceedings even without furnishing the enquiry report and other relevant documents and even without considering the request made by the petitioner seeking for the assistance of a lawyer to defend himself in the proceedings.

5. The petitioner has to be furnished with all the necessary documents in order to enable him to defend himself effectively in the surcharge proceedings. In view of the above, there shall be a direction to the 2nd respondent to furnish all the necessary documents that are requested by the petitioner through his representation dated 17.06.2020. The proceedings shall be commenced only after furnishing the documents to the petitioner. Only then, the petitioner will be in a position to effectively defend himself in the surcharge proceedings. The 2nd respondent shall also consider the representation made on 29.06.2020, wherein, the petitioner has sought for the assistance of a lawyer to defend himself in the surcharge proceeding in the light of the circular No.3 of 2018 dated 24.04.2018. This Court is not going into the merits of the various issues raised by the petitioner and it is left open to the petitioner to raise all the grounds before the 2nd respondent in the course of the proceedings. The 2nd respondent is directed to complete the proceedings and pass final orders, within a period of three months from the date of receipt of copy of this order.

6. This writ petition is disposed of accordingly. No costs. Consequently, the miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

rka

To

1. The Joint Registrar of Co-operative Societies,
Krishnagiri Region, Co-operative Colony,
Krishnagiri Post, Taluk and District.
2. The Deputy Registrar of Co-operative Societies,
Krishnagiri Circle,
Co-operative Colony,
Krishnagiri Post, Taluk and District.
3. The Co-operative Sub Registrar/
Enquiry Officer,
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Agriculture Cooperative Credit Society,
Krishnagiri Circle / Kaveripattinam Filed Office
Co-operative Colony,
Krishnagiri Post, Taluk and District.

WP.No.13867 of 2020

AJS (CO)
CS/29/10/2020

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