

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :03.11.2020

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.15288 of 2020

&

W.M.P.Nos.19115 and 19116 of 2020

K.Elumalai
S/o. Kuppan

..Petitioner

Vs.

1.The Deputy Registrar of Co-operative Societies
Tiruvallur Circle, Tiruvallur
Tiruvallur District

2.The Sub-Registrar/Enquiry Officer
Poondi Block
Thiruvallur District

3.Nishanandhini

..Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari calling for the entire records relating to the impugned order passed by the 1st respondent in his proceedings Na.Ka.1434/2020/E2, dated 13.08.2020 and quash the same.

For Petitioner : Mr.S.R.Raghavan

For Respondents : Mr.Bala Ramesh, Spl. Govt.Pleader

ORDER

This writ petition has been filed challenging the impugned proceedings of the 1st respondent dated 13.08.2020, wherein the 1st respondent has initiated an enquiry u/s. 81 of the Tamil Nadu Co-operative Societies Act, 1983(hereinafter referred to as 'the Act')

2. Learned counsel for the petitioner submitted that the very initiation of the enquiry has been done at the instigation made by the 3rd respondent. Learned counsel further submitted that there is a malafide intention to bring disrepute to the entire Board of Directors and this is a clear case of misuse of power u/s. 81 of the Act. Learned counsel further submitted that even though the 3rd respondent has instigated the enquiry,

the 1st respondent has initiated the proceedings as if it is initiated suo motu in order to enquire the alleged irregularities that took place in the Society for the period from 01.04.2018 to 31.03.2020.

3. Heard Mr.Bala Ramesh, learned Special Government Pleader appearing on behalf of the respondents 1 and 2.

4. In the considered view of this Court, an enquiry that is initiated u/s. 81 of the Act is only a fact finding enquiry and till it is utilized for taking any further action, no one can be set to be prejudiced and infact no opportunity is contemplated at the time of conducting the enquiry. The law on this issue has been made very clear by the Division Bench judgment of this Court in P.Krishnan Vs. The Deputy Director of Industries and Commerce (Industrial Co-operatives)/District Registrar of Industrial Co-op) and Ors, reported in 2020 2 L.W. 849.

5. The grounds raised by the learned counsel for the petitioner can be raised in any case and this Court cannot go into those aspects more particularly since the final result that comes out of enquiry conducted u/s. 81 of the Act alone will have an impact as and when the same is utilized for taking further action. Therefore, this Court is not inclined to interfere with the impugned proceedings of the 1st respondent dated 13.08.2020.

In the result, the writ petition is dismissed. Connected miscellaneous petitions are closed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1.The Deputy Registrar of Co-operative Societies
Tiruvallur Circle, Tiruvallur
Tiruvallur District
2.The Sub-Registrar/Enquiry Officer
Poondi Block
Thiruvallur District

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RP (CO)
RMP (03/12/2020)