

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date: 16.12.2020

CORAM

THE HON'BLE MR.JUSTICE V.PARTHIBAN

Writ Petition No.18777 of 2020

R.Raj Kumar

...Petitioner

Vs.

1. The Registrar,
Office of Registrar of Co-operative Societies,
No.170, NV Natarajan Maaligai,
Periyar EVR High Road,
Poonamalle High Road,
Kilpauk, Chennai - 600 010.
2. The Deputy Registrar,
Office of Deputy Registrar of Co-operative Society,
Companied Co-operative Society Office Campus,
Tiruvarur District - 640 004.

...Respondents

Writ Petition filed under Article 226 of Constitution of India, for issuance of writ of Certiorarified Mandamus, to call for records relating to proceedings in Na.Ka.No.1359/2020 saba dated 24.09.2020 issued by the 2nd respondent and quash the same and direct the 2nd respondent to conduct the fresh enquiry by appointing fresh enquiry officer as per the provisions of the Tamil Nadu Co-operative Societies Act, 1983.

For Petitioner : Mr.M.Thamizhavel

For Respondents: Mr.R.Bala Ramesh, A.G.P.

ORDER

The case of the petitioner is that he was working as a Computer Operator on a temporary basis on a consolidated pay from January, 2015 to September, 2019 under the control of the second respondent. According to him, that in discharge of his duties as Computer Operator, he had no connection whatsoever with the transaction relating to loan and pledging of jewels pertaining to the activities of the society. According to him that he had no part in such transactions.

2. When the matters stood thus, the second respondent issued a surcharge notice dated 24.09.2020 under Section 87 of Tamil Nadu Co-operative Societies Act, 1983 alleging that the petitioner has caused loss to the society to the tune of Rs.48,27,276/-. The proceedings were purported to be issued on the basis of the report of the Enquiry Officer dated 05.06.2020. Thereafter, summons was issued on 15.10.2020 directing the petitioner to appear on 27.10.2020.

3. According to the petitioner, since he had no role at all in the transaction, he is before this Court challenging the 87 proceedings dated 24.09.2020. This Court perused the proceedings and found that the petitioner was directed to give his explanation within 15 days in response to the notice, however without giving any explanation to the notice, he has rushed to this Court by invoking extraordinary jurisdiction of this Court under Article 226 of Constitution of India.

4. The affidavit contained factual averments in the form of explanation to the allegations, which was the subject matter of 87 proceedings and therefore this Court is of the view that the proper course open to the petitioner is to go before the Department concerned and submit his explanation. This Court, in exercise of its extraordinary jurisdiction cannot appreciate the factual explanation of the petitioner and on that basis entertain the Writ Petition. Even otherwise, a challenge of this nature ought not to be entertained as the same is premature, as no final action has been taken against the petitioner. In such view of the matter, this Court finds that the writ petition is not maintainable.

5. Therefore, this Writ Petition stands dismissed as not maintainable. No costs. Consequently, the connected miscellaneous petition is closed.

s/d-

Assistant Registrar (CS-III)

True Copy

Sub-Assistant Registrar

mrm

To

1. The Registrar,
Office of Registrar of Co-operative Societies,
No.170, NV Natarajan Maaligai,
Periyar EVR High Road,
Poonamalle High Road,
Kilpauk, Chennai - 600 010.
2. The Deputy Registrar,
Office of Deputy Registrar of Co-operative Society,
Companied Co-operative Society Office Campus,
Tiruvarur District - 640 004.

+1 Cc to M/s.M. Thamizhavel, Advocate sr 41389.

W.P.No.18777 of 2020

KV(CO)
SP(18/01/2021)



WEB COPY