

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.01.2020

CORAM

THE HONOURABLE MR.JUSTICE M. GOVINDARAJ

Writ Petition No.39449 of 2004  
and M.P.No.47023 and 47024 of 2004

V. Ramasamy

... Petitioner

Vs.

1. The Deputy Registrar  
Office of the Deputy Registrar of  
Co-operative Societies,  
11A, Market Road,  
Pollachi, Coimbatore District.
2. The Special Officer,  
K-1781 P.Nagoor Primary Agricultural  
Co-operative Bank,  
Maapillaigoundanpudur Post,  
Pollachi Taluk, Coimbatore District.
3. The Enquiry Officer cum Sub-Registrar,  
Office of the Sub-Registrar of Co-operative Societies  
11-A, Market Road, Pollachi. ... Respondents

Petition filed under Article 226 of the Constitution of India praying for a writ of Certiorari to call for the records of the 3rd Respondent in Proc.Nil dated 02.12.2003 and quash the same as illegal and incompetent.

For Petitioner : Mr.V. Raghavachari  
For Respondents : Mr.L.P. Shanmuga Sundaram  
Special Government Pleader (Co-Op.)

O R D E R

The Writ Petitioner has challenged the Enquiry Report filed by the Enquiry Officer dated 2.12.2003. Thereafter, it appears that the surcharge proceedings were initiated under Section 87 of the Tamil Nadu Co-operative Societies Act, 1983, against the Petitioner. He has challenged the same in W.P.No.15700 of 2005.

2. The learned Special Government Pleader (Co-op.) appearing for the Respondents would submit that the Writ Petition No.15700 of 2005 was dismissed on 12.05.2012 with penalty to the tune of

Rs.31,68,932/- being recovered from the Petitioner. The management has also dropped the action from selling the properties attached by them. Therefore, he would submit that nothing survives for disposal in the present Writ Petition.

3. The Petitioner has challenged only the Enquiry Officer's Report. In the considered opinion of this Court the Writ Petition is not maintainable against the Report filed by the Enquiry Officer as it is premature. In view of the order passed in W.P.No.15700 of 2005 dated 12.05.2012, this Writ Petition stands dismissed.

4. In the result, the Writ Petition is dismissed. No costs. Consequently, connected M.Ps are closed.

-s/d-  
Assistant Registrar

True Copy

Sub-Assistant Registrar

ggs

Copy to:

1. The Deputy Registrar  
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  3. The Enquiry Officer cum Sub-Registrar,  
Office of the Sub-Registrar of Co-operative Societies  
11-A, Market Road, Pollachi.
- +1 CC to Mr.V. Raghavachari, Advocate sr 7954  
+1 CC to Govt. Pleader sr 8081.

W.P.No.39449 of 2004

RLD(CO)  
SP(17/07/2020)