



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.09.2020

CORAM

THE HONOURABLE MR. JUSTICE G.R.SWAMINATHAN

W.P(MD).No.8254 of 2020

and W.M.P. (MD).Nos.7653 & 7654 of 2020

WEB COPY

S.Sairam

.. Petitioner

Vs.

- 1.The Registrar of Co-operative Societies,
Office of the Registrar of Co-operative Societies,
No.170, Poondamalli High Road,
Kilpauk, Chennai - 600 010.
 - 2.The Joint Registrar of Co-operative Societies,
Office of the Joint Registrar of Co-operative Societies,
Nagercoil, Kanniyakumari District.
 - 3.The Deputy Registrar of Co-operative Societies,
Office of the Deputy Registrar of Co-operative Societies,
Nagercoil, Kanniyakumari District.
 - 4.The President,
Oie.48, Myladi Agricultural Co-operative Credit Society,
Myladi, Kanniyakumari District.
- .. Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India for issuance of Writ of Mandamus directing the 1st and 2nd respondents to transfer the proceedings initiated by the 3rd respondent under Tha.Va.No.01/2019-20/Sa.Pa (Na.Ka.3623/2019/Sa.Pa.) to any other Deputy Registrar of Co-operative Societies to adjudicate the surcharge proceedings initiated under Section 87 of the Tamil Nadu Co-operative Societies Act.

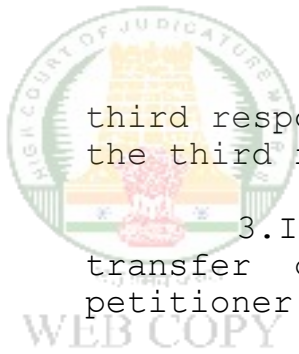
For Petitioner : Mr.K.R.Laxman

For Respondents : Mr.M.Rajarajan for R1 & R2
Additional Government Pleader
Mr.S.Dhayalan for R3
Government Advocate
Mr.Maheswaran for R4

ORDER

Heard the learned counsel on either side.

2.The petitioner was working as the President of the fourth respondent society. The petitioner is now facing surcharge proceedings under Section 87 of the Tamilnadu Co-operative Societies Act. The enquiry is being conducted by the third respondent. The petitioner seeks transfer of the enquiry on the ground that the



third respondent is not allowing him to conduct his defence and that the third respondent appears to have made up his mind already.

3.I made it clear that while I am not inclined to direct transfer of the enquiry, I would be inclined to permit the petitioner to have his fullest liberty to defend himself.

4.The petitioner wants to cross examine those witnesses, who had deposed against him in the preliminary enquiry.

5.The learned Government Advocate for the third respondent states that all the witnesses who had deposed against the petitioner would be summoned for enquiry and that the petitioner would be permitted to cross examine them. If any witness is omitted, at the instances of the petitioner herein, they will be cross examined as the Court witnesses for the Department.

6.The petitioner's counsel on instructions gives an undertaking that the witnesses will be cross examined on the same day when they are produced for deposition. In other words, the petitioner will not vex the witness by dragging on the proceedings.

7.It is also made clear that on a given day only five witnesses will be summoned. Since these directions should more than meet to the ends of justice, the petitioner cannot complain of any possible prejudice. In any event, the third respondent is called upon to conduct himself in such a way so as to not given apprehension in the mind of writ petitioner.

8.The third respondent should remember that he is acting like a Judge. The function discharged by the third respondent is quasi-Judicial in Character. Therefore, the third respondent should maintain the appearance of impartiality. The third respondent should also be actually impartial in his mind. The third respondent ought not to form any conclusion at the out set. Only after both the sides adduce their evidence in full, the third respondent will carefully examine them and render his findings. Till then the game is open. The third respondent is directed to conclude the proceedings as expeditiously as possible.

9.This writ petition is disposed of with these directions. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Registrar of Co-operative Societies,
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- 3.The Deputy Registrar of Co-operative Societies,
Office of the Deputy Registrar of Co-operative Societies,
Nagercoil, Kanniyakumari District.

+1 CC to M/s.GP (SR-15776[F] dated 03/09/2020)

**W.P (MD) .No.8254 of 2020
02.09.2020**

SPU (14.09.2020) 3P 5C