



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.08.2020

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No.9039 of 2020

WMP(MD) Nos.8261 of 2020

WEB COPY

C.Muthukaruppaiah

Petitioner

Vs

- 1.The Registrar of Co-operative Societies,
Kilpauk, Chennai - 600 010.
- 2.The Joint Registrar of Co-operative Societies,
Commercial Tax Office Complex,
Mannarpuram, Race Course Road, Tiruchirappalli-20.
- 3.The Deputy Registrar of Co-operative Societies,
Commercial Tax Office Complex,
Mannarpuram, Race Course Road, Tiruchirappalli-20.
- 4.The Deputy Registrar/Managing Director,
Amaravathi Consumers Co-operative
Wholesale Stores Ltd,
LNP Buildings, Post Box No.308,
No.1, Old Goods Shed Road, Tiruchirappalli - 2.
- 5.R.Karunakaran
Sec 81 Enquiry Officer/Co-operative Sub-Registrar,
R.683 Trichy District Amaravathi Consumer Co-operative
Whole Sale Store Ltd, LNP Building,
No.1, Old Goods Shed Road,Tiruchirappalli-2.

Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, forbearing the respondents 1 to 3 from proceed with report of the 5th respondent dated 12.02.2020.

For Petitioner : M/s.S.Kumar

For Respondents : Mr.M.Rajarajan
Government Advocate

O R D E R

Heard the learned counsel appearing for the Writ Petitioner and the learned Government Advocate for the respondents 1 to 4.

2.The petitioner wants this Court to restrain the respondents 1 to 3 from acting on the report submitted by the fifth respondent under Section 81 of the Tamil Nadu Co-operative Societies Act 1983. The learned counsel for the petitioner states that the said report



is seriously flawed. The petitioner's counsel reiterated all the contentions set out in the affidavit filed in support of the Writ Petition.

3. I am unable to accept the same for the simple reason that this Writ Petition has been prematurely filed. The report submitted by the Enquiry officer under Section 81 of the Act is only a material for consideration of the competent authority or is for the authority to accept the report or reject it. A mere look at the relevant provisions would indicate that the report filed under Section 81 of the Act can be the basis for taking consequential action. Therefore, this Court will not be justified in tying the hands of the authority. It is open to the petitioner to question the same on the basis of all the grounds that are now projected by him. Therefore, leaving open the contentions and defenses of the Writ Petitioner, the Writ Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar ()

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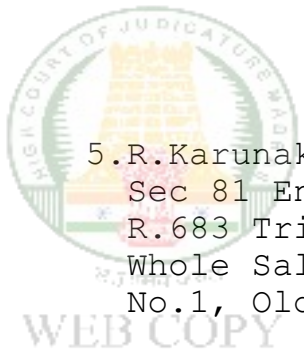
Sub Assistant Registrar(CS)

vrn

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,
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- 4.The Deputy Registrar/Managing Director,
Amaravathi Consumers Co-operative
Wholesale Stores Ltd,
LNP Buildings, Post Box No.308,
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5.R.Karunakaran
Sec 81 Enquiry Officer/Co-operative Sub-Registrar,
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+1 CC to M/s.GP (SR-13978[F] dated 13/08/2020)

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SPU(25.08.2020) 3P 7C