



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.08.2020

CORAM

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P.(MD)Nos.10908 of 2019

and

W.M.P.(MD)Nos.4049, 8350, 8351 and 10620 of 2019

WEB COPY

A.Sivakumar

... Petitioner

Vs.

1.The Circle Deputy Registrar of
Co-operative Societies,
Office of the Circle Deputy Registrar of
Co-operative Societies,
Raj Nagar, Palani,
Dindigul District.

2.The 81 Enquiry Officer,
Office of the Circle Deputy Registrar of
Co-operative Societies,
Raj Nagar,
Palani,
Dindigul District.

3.The Registrar,
Co-operative Societies,
N.N.Natarajan Maligai,
Kilapuk, Chennai.

... Respondents

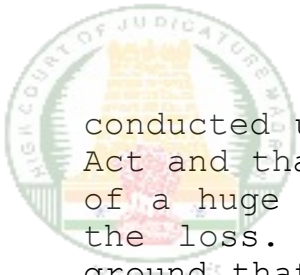
Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records of the impugned order passed by the first respondent dated 03.07.2018 bearing Na.Ka.No.1573/2018 Ni.Va and consequential 81 enquiry report dated 11.12.2018 submitted by the second respondent and quash the same.

For Petitioner : Mr.G.Murugan
For Respondents : Mr.M.Rajarajan
Government Advocate

O R D E R

Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents.

2.The petitioner challenges the impugned report submitted under Section 81 of the Tamil Nadu Co-operative Societies Act. The petitioner's counsel reiterated all the contentions set out in the affidavit filed in support of the writ petition. He would point out that in respect of the very same year, already an enquiry was



conducted under Section 81 of the Tamil Nadu Co-operative Societies Act and that two persons were found responsible for misappropriation of a huge sum and that the said persons have also since made good the loss. The petitioner challenges the impugned action on the ground that when already an enquiry had been conducted for the year in question, one more enquiry under the very same provision cannot be conducted.

3. Though this contention appears to have considerable force, I must take note of the stand taken by the respondents.

4. The learned Government Advocate appearing for the respondents would point out that the involvement of the petitioner came to light only subsequently. It appears that when core banking system was introduced, further lapses came to light.

5. I must uphold this objection raised by the learned Government Advocate. It cannot be that there can be only one enquiry for one year. It all depends of disclosure of new facts. Be that as it may, a report under Section 81 of the Tamil Nadu Co-operative Societies Act is only a material for initiation of further action by the authorities. The Competent Authority may even reject the report under Section 81 of the Tamil Nadu Co-operative Societies Act. As and when consequential action is taken, the petitioner can raise all his defences. An enquiry report cannot be put to challenge. The principle that obtains in the filed of service laws can also be usefully invoked in the case on hand. Therefore, leaving open the petitioner's defences and contentions, the Writ Petition is dismissed. The petitioner can always come to this Court and raise the grounds projected in this case, as and when the Authority takes any consequential action based on the impugned report under Section 81 of the Tamil Nadu Co-operative Societies Act.

6. With this observation and liberty to the petitioner, the Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

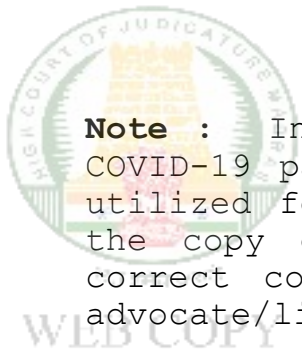
Deputy Registrar (LA and M)

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/ /2020

Sub Assistant Registrar(CS)

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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:

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Co-operative Societies,
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+1cc to M/s.Special Government Pleader, SR No.13984

W.P. (MD) No.10908 of 2019
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KK (24.08.2020) 3P 5C