



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Special Original Jurisdiction)

Tuesday, the Tenth day of November Two Thousand and Twenty

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PRESENT

The Hon'ble Mr.Justice ABDUL QUDDHOSE

WMP(MD) No.13266 of 2020

IN

WP(MD) No.15846 of 2020

C.MOHAN

... PETITIONER/PETITIONER

Vs

- 1 THE REGISTRAR OF COOPERATIVE SOCIETIES (HOUSING),
OFFICE OF THE REGISTRAR OF COOPERATIVE SOCIETIES,
NO.493, TAMILNADU HOUSING BOARD,
ANNA SALAI, NANDANAM, CHENNAI-600 035.
- 2 THE DEPUTY REGISTRAR OF COOPERATIVE SOCIETIES (HOUSING),
OFFICE OF DEPUTY REGISTRAR OF
COOPERATIVE SOCIETIES (HOUSING),
MADURAI REGION, BASKAR COMPLEX,
CHINNA CHOKKIKULAM, MADURAI-625 002.
- 3 THE SUB REGISTRAR OF COOPERATIVE SOCIETIES (HOUSING),
OFFICE OF THE SUB REGISTRAR OF
COOPERATIVE SOCIETIES (HOUSING),
MADURAI.

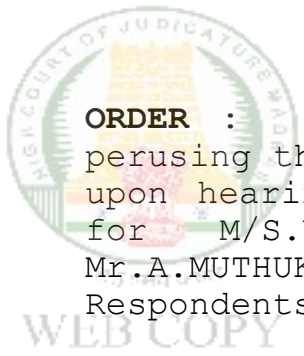
4 K.BALASUBRAMANIAN

... RESPONDENTS/RESPONDENTS

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to grant an order of INTERIM STAY of all further proceedings pursuant to the impugned order passed by the 2nd respondent in his proceedings in Na.Ka.No.765/2018/Sa.Pa and Tha.Va.No.2/2019-20/Sa.Pa dated 22.09.2020, pending disposal of the above WP(MD) No.15846 of 2020.

Prayer in WP(MD) No.15846 of 2020:

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to issue a writ, order or direction, more particularly in the nature of a WRIT OF CERTIORARI calling for the records pertaining to the impugned order passed by the 2nd respondent in his proceedings in Na.Ka.No.765/2018/Sa.Pa and Tha.Va.No.2/2019-20/Sa.Pa dated 22.09.2020 and quash the same as illegal and unconstitutional.



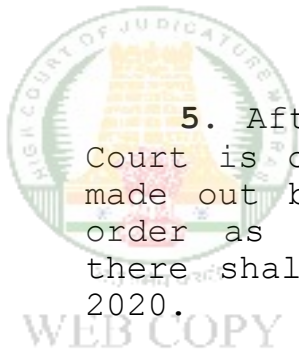
ORDER : This petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.VEERA KATHIRAVAN, Senior counsel for M/S.VEERA ASSOCIATES, for the petitioner and of Mr.A.MUTHUKARUPPAN, Additional Government Pleader on behalf of the Respondents 1 to 3, the Court made the following order:-

This writ petition has been filed, challenging the impugned order dated 22.09.2020, passed by the second respondent under Section 87 of Tamil Nadu Cooperative Societies Act, 1983.

2. It is the case of the petitioner that he has not committed any irregularity, while he was President of Madurai Cooperative Housing Societies Limited, Madurai. According to the petitioner, the impugned order is antedated and without affording sufficient opportunity to him, the said order has been passed by the second respondent. According to the petitioner, he gave a representation on 15.10.2020 to the second respondent requesting for cross examination of four witnesses, which was received by the second respondent on 16.10.2020. According to the petitioner, the impugned order dated 22.09.2020, was despatched by the second respondent to him only on 19.10.2020, which was after the receipt of the representation of the petitioner on 15.10.2020 seeking for cross examination of four witnesses. In such circumstances, it is the case of the petitioner that the second respondent has violated the principles of natural justice before passing the impugned order, since sufficient opportunity was not granted to the petitioner in the enquiry proceedings.

3. The learned senior counsel appearing for the petitioner drew the attention of this Court to the impugned order, dated 22.09.2020 as well as to the representation dated 15.10.2020 given by the petitioner seeking to cross examine four witnesses. He also drew the attention of this Court to the postal cover received from the second respondent enclosing the impugned order dated 22.09.2020, which reveals that the impugned order was despatched only on 19.10.2020. The second respondent has received the representation of the petitioner dated 15.10.2020, only on 16.10.2020, as it is seen from the acknowledgement cards, which have also been filed in the typed set of papers. The learned senior counsel would submit that the impugned order has been passed in a hurried manner and no sufficient opportunity was granted to the petitioner to place all his submission in the enquiry proceedings.

4. The learned Senior Counsel also drew the attention of this Court to the dates, on which the hearing was held before the second respondent and would submit that within a short span of little more than one month, the entire enquiry proceedings was completed by the second respondent, without giving adequate opportunity to the petitioner to put forth his defences.



5. After due consideration to the aforementioned factors, this Court is of the considered view that a *prima facie* case has been made out by the petitioner for grant of interim stay of impugned order as prayed for in W.M.P.(MD)No.13266 of 2020. Accordingly, there shall be an order of interim stay in W.M.P.(MD)No.13266 of 2020.

6. Mr.A.Muthukaruppan, learned Additional Government Pleader accepts notice for the respondents 1 to 3.

7. Notice to the 4th respondent returnable by 04.12.2020. Private Notice is also permitted.

8. Post the matter on 04.12.2020.

sd/-
10/11/2020

/ TRUE COPY /

/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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 COOPERATIVE SOCIETIES (HOUSING),
OFFICE OF THE REGISTRAR OF COOPERATIVE SOCIETIES,
NO.493, TAMILNADU HOUSING BOARD,
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OFFICE OF THE SUB REGISTRAR OF COOPERATIVE SOCIETIES (HOUSING),
MADURAI.

+1CC to M/s.VEERA ASSOCIATES, Advocate (SR-7485[I] dated 11/11/2020)

ORDER IN
WMP(MD) No.13266 of 2020 IN
WP(MD) No.15846 of 2020
Date :10/11/2020

MRN

SRS/JC/SAR-III/23.11.2020/3P/5C

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