



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **09.12.2020**

CORAM:

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P. (MD)No.17765 of 2020

and

W.M.P. (MD) .No.14836 of 2020

(Through the Video Conferencing)

K.Kalimuthu

... Petitioner

Vs

1.The Joint Registrar of Co-operative Societies,
Ramanathapuram.

2.The Deputy Registrar of Co-operative Societies,
Paramakudi, Ramnad District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, calling for the records pertaining to the impugned notice ந.க.2824/2020/தொலைக்காட்சி dated 10.11.2020 passed by the second respondent and quash the same.

For Petitioner : Mrs.Porkodi Karnan
for M/s.Polax Legal Solutions

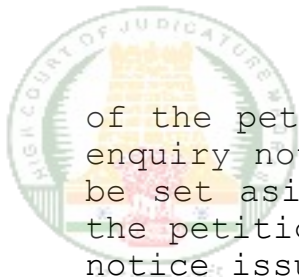
For Respondents : Mrs.M.Rajeswari
Government Advocate

ORDER

This writ petition has been filed challenging the impugned notice issued under Section 81 of the Tamil Nadu Co-operative Societies Act, 1983, (Hereinafter referred to as "the Act), on the ground that the said notice does not mention the nature of irregularities committed by the petitioner.

2. Heard Mrs.Porkodi Karnan, for M/s.Polax Legal Solutions for the petitioner and Mrs.M.Rajeswari, learned Government Advocate for the respondents.

3. Admittedly, the challenge has been made only to an enquiry notice issued under Section 81 of the Act. It is the case



of the petitioner that without disclosing the irregularities in the enquiry notice, the impugned notice is ex facie, illegal and has to be set aside. Admittedly, no final orders has been passed against the petitioner under Section 87 of the Act, pursuant to the impugned notice issued under Section 81 of the Act.

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4. This being the case, this Court is of the considered view that the Writ Petition filed by the petitioner is premature and instead of filing a reply to the impugned enquiry notice, the petitioner has approached this Court prematurely. Once a reply is sent to the impugned enquiry notice, it is for the respondent to consider the same on merits and in accordance with law and thereafter, pass final orders under Section 87 of the Tamil Nadu Co-operative Societies Act, 1983.

5. Since the Writ Petition has been filed prematurely, this Court directs the petitioner to send a reply to the impugned enquiry notice, dated 10.11.2020 issued under Section 81 of the Tamil Nadu Co-operative Societies Act, 1983, within a period of one week from the date of receipt of a copy of this order. On receipt of the same, the respondents are directed to pass final orders on merits and in accordance with law, after affording sufficient opportunity to the petitioner in the enquiry proceedings and also affording him the right of personal hearing, within a period of twelve weeks from the date of receipt of a copy of this order.

6. With the aforesaid direction, the Writ Petition stands disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

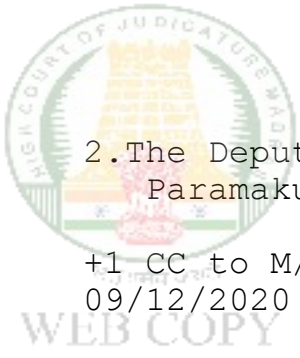
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Note:In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate/litigant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

To

1.The Joint Registrar of Co-operative Societies,
Ramanathapuram.

<https://hcservices.ecourts.gov.in/hcservices/>



2.The Deputy Registrar of Co-operative Societies,
Paramakudi, Ramnad District.

+1 CC to M/s.POLAX LEGAL SOLUTION, Advocate (SR-24756[F] dated
09/12/2020)

+1 CC to SPL GP (SR-24904[F] dated 10/12/2020)

W.P. (MD) No.17765 of 2020
09.12.2020

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