



WEB COPY

W.P.(MD)Nos.5194 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.11.2020

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD)Nos.5194 of 2015

and

M.P. (MD)No. 2 of 2015

Narayanan

... Petitioner

Vs.

1.The Joint Registrar of Co-operative Societies,
Department of Co-operative Society,
Collectorate Complex,
Ramanathapuram.

2.The Deputy Registrar of Co-operative Societies,
Department of Co-operative Society,
Paramakudi,
Ramanathapuram.

3.The District Collector,
Ramanathapuram District,
Ramanathapuram.

4.M.Shenthuran

... Respondents

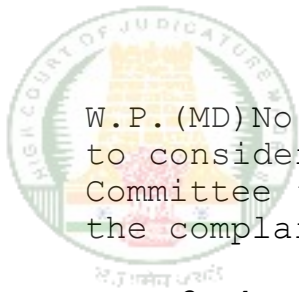
Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the first respondent in Na.Ka.No.2474 of 2013 f.t. Dated 27.03.2015 and quash the same and consequently, direct the respondents to pass orders on Senthuran's representation dated 28.03.2012 based on the earlier enquiry report of Joint Inspection Committee Report, Special Disbursement Committee, Departmental Enquiry Report and Vigilance and Anti Corruption Wing Report.

For Petitioner	: Mr.S.C.Herold Singh
For R1 to R3	: Mr.C.M.Mari Chelliah Prabhu Additional Government Pleader
For R4	: Mr.R.Venkatesan

ORDER

The enquiry notice issued by the first respondent in proceeding dated 27.03.2015 is under challenge in the present writ petition.

2.The enquiry notice reveals that some serious complaints regarding irregularities in the Co-operative Society is brought to the notice of the first respondent and the aggrieved persons filed



W.P.(MD)No.5351 of 2012 and this Court directed the third respondent to consider the complaint and based on the said order, Three Member Committee was appointed to enquire into the allegations set out in the complaint.

3.The learned counsel appearing on behalf of the petitioner mainly contended that with regard to some allegations, already an enquiry was conducted. The Secretary was placed under suspension and actions were initiated and therefore, the appointment of an another committee to conduct an enquiry is improper. This apart, the Department of Vigilance and Anticorruption Wing also conducted an enquiry. They could not able to find out any such irregularity or illegality regarding the administrative affairs of the Co-operative Society.

4.Section 80 of the Tamilnadu Co-operative Societies Act contemplates audit in the Co-operative Societies. Section 81 of the Tamilnadu Co-operative Societies Act stipulates inquiry and Section 82 of the Tamilnadu Co-operative Societies Act provides power to conduct inspection and investigation and Section 83 of the Tamilnadu Co-operative Societies Act speaks about inspection of books by financing bank. In view of the provisions of the Tamil Nadu Co-operative Societies Act, the competent authorities under the Act are empowered to conduct enquiry, investigation or verification of the books of accounts or the affairs of the Co-operative Society. It is not restricted to conduct one enquiry or two enquiry. Whenever there is a doubt or a complaint is received, the authorities competent are empowered to verify the records of the Society at any point of time. The writ petitioner cannot say that already enquiry has been conducted and therefore, the next enquiry cannot be conducted. Such a proposition cannot be accepted. Even re-verification of the books of accounts are certainly permissible.

5.This being the factum, this Court do not find any infirmity or perversity in respect of the impugned order passed constituting a Committee to deal with the complaint against the Society. Accordingly, the writ petition is devoid of merits and stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (RTI)

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/ /2020

Sub Assistant Registrar(CS)



1.The Joint Registrar of Co-operative Societies,
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Collectorate Complex,
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2.The Deputy Registrar of Co-operative Societies,
Department of Co-operative Society,
Paramakudi,
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3.The District Collector,
Ramanathapuram District, Ramanathapuram.

+1 CC to M/s.SPL GP (SR-22943[F] dated 26/11/2020)

W.P. (MD)No.5194 of 2015
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MA (CO)
KB (03.12.2020) 3P 5C