



WEB COPY

W.P.(MD).Nos.3731 & 4513 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.07.2020

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)Nos.3731 & 4513 of 2017

and

W.M.P.(MD).Nos.2990, 4136, 3609,
3610 & 4214 of 2017

W.P.(MD).No.3731 of 2017

Thanga Chinnappa

... Petitioner

Vs.

The Regional Joint Registrar of Co-operatives
Societies, Thanjavur,
Thanjavur District.

... Respondent

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of respondent in Na.Ka.No.330 of 2017, sa.pa dated 28.02.2017, quash the same and in consequence thereof restore the management of the Society with the elected directors of the board.

For Petitioner
For Respondent

: Mr.P.Ganapathi Subramanian
: Mr.M.Rajarajan
Government Advocate

W.P.(MD).No.4513 of 2017

1.G.S.Mani
2.S.Gopal
3.R.Ravichandran
4.R.Mahalakshmi

... Petitioners

Vs.

The Regional Joint Registrar of Co-operatives
Societies, Thanjavur,
Thanjavur District.

... Respondent

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of respondent in Na.Ka.No.330 of 2017, sa.pa dated 28.02.2017, quash the same and in consequence thereof restore

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the management of the Society with the elected directors of the board.

For Petitioners : Mr.P.Ganapathi Subramanian
For Respondent : Mr.M.Rajarajan
Government Advocate.

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COMMON ORDER

The writ petitioners herein were the members of the Board of Directors of the 2847 Chola Nadu Primary Agricultural Co-operative Credit Society for the period from 2013-2017. The irregularities were said to have been committed during their tenure. Hence, enquiry under Section 81 of the Tamil Nadu Co-operative Societies Act, 1983, was ordered. The enquiry report was submitted on 15.12.2016. The copies of the enquiry report were served on the writ petitioners herein and they were asked to respond as to why they should not be disqualified under Section 36 of the Tamil Nadu Co-operative Societies Act, 1983. The writ petitioners offered their objections. Not satisfied with the same, the respondent herein passed the impugned order dated 28.02.2017, disqualifying all the writ petitioners herein under Section 36 of the Tamil Nadu Co-operative Societies Act, 1983. Questioning the same, these two writ petitions have been filed.

2. Heard the learned counsel on either side.

3. The writ petitioners' counsel reiterated all the contentions set out in the affidavit filed in support of the Writ Petitions and wanted this Court to quash the order impugned in these Writ Petitions.

4. Per contra, the learned Government Advocate submitted that the impugned order does not warrant any interference.

5. During the course of arguments, the writ petitioners' counsel categorically submitted that the so-called loss said to have been caused to the Society has been recovered in full.

6. The learned Government Advocate fairly stated that this assertion of the writ petitioners' counsel is factually correct. All the loans given by the Society have also been recovered. Thus, as on date, the Society had not suffered any loss on account of the writ petitioners herein. Section 36 of the Tamil Nadu Co-operative Societies Act, 1983, reads as follows:-

*"36.Disqualification and removal.-(1)
where in the course of an audit under Section 80
or an inquiry under Section 81 or an inspection
or investigation under Section 82 or inspection
of books under Section 83 it appears that a*



ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

The Regional Joint Registrar of Co-operatives Societies, Thanjavur, Thanjavur District.

W.P. (MD) .Nos.3731 & 4513 of 2017
24.07.2020

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KK (30.07.2020) 4P 2C