



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.08.2021

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.4538 of 2021

and

WMP Nos.5160, 5162 & 5163 of 2021

S.Kandasamy

..Petitioner

.Vs.

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

2.The Deputy Registrar of Co-operative Societies/
Surcharge Officer, Krishnagiri.

3.The Co-operative Sub Registrar,
Section 81, Enquiry Officer,
S-1063, Puliampatti Primary Agricultural
Co-operative Credit Society Limited,
Puliyampatti Village, Pochampalli Taluk,
Krishnagiri District.

4.The President,
S-1063, Puliampatti Primary Agricultural
Co-operative Credit Society Limited,
Puliyampatti Village, Pochampalli Taluk,
Krishnagiri District.

..Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, to call for the records relating to the impugned enquiry report dated 21.08.2019 passed by the 3rd respondent and the consequential proceedings of surcharge notice dated 10.03.2020 made in Surcharge No.02/2020/Sa.Pa.1 issued by the 2nd respondent in respect of the petitioner is concerned and to quash the same.



For Petitioner : Mr.C.Prabakaran

For Respondents: Mr.U.Baranidharan
Government Advocate
for R 1 to R 3

Mr.L.P.Shanmugasundaram
for R 4

ORDER

The subject matter of challenge in the present writ petition pertains to the enquiry report dated 21.08.2019, submitted by the 3rd respondent after conducting an enquiry under Section 81 of the Tamil Nadu Cooperative Societies Act and the consequential surcharge proceedings initiated by the 2nd respondent through notice dated 10.03.2020.

2.Heard Mr.C.Prabakaran, learned counsel for the petitioner and Mr.U.Baranidharan, learned Government Advocate for respondents 1 to 3 and Mr.L.P.Shanmugasundaram, learned counsel appearing on behalf of the 4th respondent.

3.The main grievance that has been expressed by the learned counsel for the petitioner is that the entire report submitted by the 3rd respondent had placed reliance upon the day book pertaining to the relevant period between 01.04.2013 to 15.12.2017. The petitioner was asking for the authenticated / attested copy of the same and it was not furnished to the petitioner. In the meantime, the 2nd respondent initiated surcharge proceedings and left with no other option, the present writ petition has been filed before this Court.

4.The learned Government Advocate appearing on behalf of the respondents 1 to 3 submitted that pursuant to the request made by the petitioner, the 2nd respondent had sent a communication dated 23.11.2020, to the petitioner informing the petitioner that the copy of the concerned documents pertaining to the day book has already been furnished to the petitioner and the same was also acknowledged by the petitioner. The learned counsel therefore submitted that the petitioner instead of receiving the relevant documents, has approached this court only with a view to drag on the proceedings.



5. In the considered view of this Court, the petitioner is seeking for the attested copy of the day book for the period from 01.04.2013 to 15.12.2017 and what has been furnished to the petitioner was the copy of those documents which according to the petitioner was not an authenticated copy in line with the original records maintained by the 4th respondent Society.

6. The surcharge proceedings are now pending before the 2nd respondent. Hence, the relevant day book for the above said period can be brought at the time of enquiry from the 4th respondent Society. The petitioner can be given an opportunity to inspect the same in the presence of the 2nd respondent. Thereafter, it is always left open to the petitioner to offer his explanation and the same will be considered by the 2nd respondent at the time of enquiry and before taking a final decision in the surcharge proceedings. This clarity given by this court will sufficiently take care of the grievance expressed by the petitioner.

7. In view of the above, there shall be a direction to the 2nd respondent to proceed further with the surcharge proceedings after complying with the directions issued by this court supra and the proceedings shall be completed and a decision shall be taken strictly in accordance with law, within a period of eight weeks from the date of receipt of copy of this order.

8. This writ petition is disposed of with the above directions. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar

KP



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Krishnagiri.

3. The Co-operative Sub Registrar,
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4.The President,
S-1063, Puliampatti Primary Agricultural
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Krishnagiri District.

+1CC to M/s.C.Prabakaran, Advocate, SR.No. 42740
+1CC to The Government Pleader, SR.No. 42656

W.P.No.4538 of 2021

BP(CO)
B.VC (30/09/2021)