



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.09.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.7978, 13660,4587 & 12743 of 2021
W.M.P.Nos. 13537, 14518, 8538, ,13538, 13539 of 2021

WP No. 7978 of 2021

1. E.Subramani
2. S.Nallasamy
3. M.Jamesha ... Petitioner

-Vs-

1. The Registrar of Cooperative Societies,
Kilpauk, Chennai-10.
2. The Joint Registrar of Cooperative Societies,
Erode Region, Erode, Erode District.
3. The Deputy Retistrar of Cooperative Societies,
Erode Circle, Erode, Erode District.
4. Tmt.S.Kalavathy,
Enquiry Officer / Cooperative Sub Registrar,
P.E.62, Tamil Nadu Cooperative Textiles Processing
Mills Employees Cooperative Thrift and Credit Society Ltd.,
O/o. Deputy Registrar of Cooperative Societies,
Erode Circle, Erode, Erode District.
5. K.Duraisamy,
Enquiry Officer / Cooperative Sub Registrar / Field Officer,
Erode District central Cooperative Bank Ltd.,
Erode - 3.
O/o. Deputy Registrar of Cooperative Societies,
Erode Circle, Erode,Erode District.
6. The Managing Director,
Erode District Central Cooperative Bank Ltd.,
Erode-3. Respondents



WP No. 13660 of 2021

M.Veerakumar

..Petitioner

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Vs

1. The Registrar of Cooperative Societies,
Kilpauk,
Chennai 600010

2. The Deputy Registrar of Cooperative Societies
Erode Circle,
Erode 638009.

3. Tmt. S.Kalavathi,
Enquiry Officer/Cooperative Sub Registrar,
O/o. The Deputy Registrar of Cooperative Societies,
Erode Circle,
Erode 638009.

4. The Managing Director,
The Erode District Central Cooperative Bank Ltd.,
Erode 638001.

... Respondents

WP No. 4587 of 2021

G.Sekar

...Petitioner

Vs

1. The Registrar of Cooperative Societies,
Kilpauk, Chennai - 10.

2. The Deputy Registrar of Cooperative Societies,
Erode Circle, Erode, Erode District.

3. The Enquiry Officer,
P.E.62, Tamil Nadu Cooperative Textiles Processing
Mills Employees Cooperative Thrift and Credit Society Ltd.,
O/o. Deputy Registrar of Cooperative Societies,
Erode Circle, Erode,
Erode District.

4. The Managing Director,
Erode District Central Cooperative Bank Ltd.,
Erode - 3.



5. The Secretary,
P.E.62, Tamil Nadu Cooperative Textiles Processing
Mills Employees Cooperative Thrift and Credit Society Ltd.,
No.1, Bhavani Main Road,
Erode - 4.

.. Respondents

WP No. 12743 of 2021

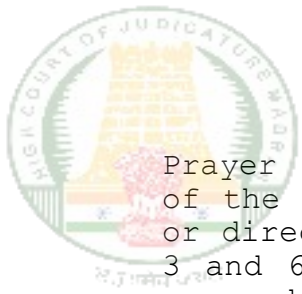
1. E.Subramani
2. S.Nallasamy
3. M.Jamesha

..Petitioner

Vs.

1. The Registrar of Cooperative Societies,
Kilpauk, Chennai-10
2. The Joint Registrar of Cooperative Societies,
Erode Region, Erode, Erode District.
3. The Deputy Registrar of Cooperative Societies,
Erode Circle, Erode, Erode District.
4. The Enquiry Officer / Cooperative Sub Registrar,
P.E.62, Tamil Nadu Cooperative Textiles Processing
Mills Employees Cooperative Thrift and Credit Society Ltd.,
O/o. Deputy Registrar of Cooperative Societies,
Erode Circle, Erode, Erode District.
5. The Enquiry Officer / Cooperative Sub Registrar / Field
Officer,
Erode District Central Cooperative Bank Ltd.,
Erode - 3.
O/o. Deputy Registrar of Cooperative Societies,
Erode Circle, Erode, Erode District.
6. The Managing Director,
Erode District Central Cooperative Bank Ltd.,
Erode - 3.

..Respondents



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Prayer in WP No.7978 of 2021: Writ Petition under Article 226 of the Constitution of India to issue a writ of Mandamus order or direction in the nature of a writ, forbearing the respondents 3 and 6 from proceeding with all further proceedings of the 3rd respondent in his proceedings Na.Ka.4064/2019/Sa.Pa(5), dated 17.06.2020 and Na.Ka. 2614/2020/Sa.Pa, dated 04.01.2021 till the completion of the 3rd enquiry ordered by the 3rd respondent in his proceedings Na.Ka.No. 785/2021/Sa.Pa, dated 17.02.2021.

Prayer in WP No. 13660 of 2021 :- Writ Petition under Article 226 of the Constitution of India to issue a writ of Mandamus to direct the respondents order for fresh enquiry under Section 81 of the Tamil Nadu Cooperative Society's Act by appointing an officer not below the rank of Additional Registrar of Cooperative Society for conducting enquiry in respect of the affairs of P.E. 62 Tamil Nadu Cooperative Textile Processing Mill Employees Thrift and Credit Society Ltd., Erode.

Prayer in WP No. 4587 of 2021 :- Writ Petition under Article 226 of the Constitution of India to issue a writ of Mandamus order or direction in the nature of a writ, directing the 1st respondent to order a fresh enquiry U/s. 81 of Tamil Nadu Cooperative Societies Act by appointing an officer not below rank of the Additional Registrar of Cooperative Societies for conducting enquiry in respect of alleged irregularities committed in the 5th respondent society.

Prayer in WP No. 12743 of 2021 :- Writ Petition under Article 226 of the Constitution of India to issue a writ of Certiorari, calling for the entire records relating to the impugned enquiry report dated 03.04.2020 submitted by the 4th respondent before the 3rd respondent and another enquiry report dated 02.12.2020 submitted by the 5th respondent before the 3rd respondent and quash the same.

For Petitioner in
WP Nos.7978, 4587
and 12743 of 2021 : Mr. C.Prakasam
For Petitioner in
WP No.13660 of 2021 : Mr. G.Sankaran

For Respondents in
WP No.7978 of 2021 : Mr.A.Selvendran
Government Advocate for
R1 to R3
Mrs.T.Girija for R4
Mr.L.P.Shanmuga Sundaram
for R5 and R6



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For Respondents
in WP No.4587

:

Mr.A.Selvendran
Government Advocate
for R1 to R3

Mr.L.P.Shanmugasundram
for R4 and R5

For Respondents
in WP No.12743 of 2021

Mr.A.Selvendran
Government Advocate for
R1 to R3

Mr.L.P.Shanmugasudaram for R4 & R5

For Respondents
in WP No.13660 of 2021

Mr.A.Selvendran`
Government Advocate
for R1 to R3
Mr.V.Velusamy for R4

C O M M O N O R D E R

When all these writ petitions were taken up for hearing on 14.09.2021, this Court passed the following order :-

Considering the magnitude of the misappropriations that is alleged by the petitioners, this Court suggested to the learned Government Counsel that an officer in the rank of Additional Registrar should be appointed as an Enquiry Officer since, the misappropriation is said to have taken into consideration at a very high level. Only if enquiry is conducted by such a high level officer, all those who are involved in the misappropriation can be roped in and action can be initiated against them. The Deputy Registrar of the Co-operative Societies may not be able to conduct such an enquiry with so much authority since, there are officials allegedly involved in this case who are above the cadre of Deputy Registrar.

2.The learned Government counsel seeks for time to take instructions and report before this Court.

3.Post this case under the caption 'For Passing Final Orders' on 17.09.2021 at 2.15 p.m.

2. When the matter was taken up for hearing today, the learned Government counsel appearing on behalf of the Registrar of Co-operative Societies submitted that the sentiment expressed by this Court was taken into consideration and Mrs.Indumathi, Additional Registrar of Cooperative Societies, Coimbatore -18, will be appointed as the inquiry officer in this case and said



officer will be directed to conduct a thorough inquiry by inquiring all the persons concerned and ultimately, based on the report submitted by the Additional Registrar a decision will be taken and proceeded further in accordance with law.

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3. This Court appreciates the genuine intention of the Registrar of Co-operative Societies, who has taken into consideration the magnitude of the problem and has willingly deputed a high level officer to conduct the inquiry. This Court hopes that the concerned Additional Registrar will conduct a thorough inquiry and the report shall be filed within a period of three months from the date of receipt of copy of this order. Till the final report is filed by the Additional Registrar, all proceeding shall be kept pending and based on the report, further action shall be taken strictly in accordance with law.

4. All these writ petitions are disposed of with the above directions. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

Sha/rka

To

1. The Registrar of Cooperative Societies,
Kilpauk, Chennai-10.

2. The Joint Registrar of Cooperative Societies,
Erode Region, Erode, Erode District.

3. The Deputy Retistrar of Cooperative Societies,
Erode Circle, Erode, Erode District.

4. The Managing Director,
Erode District Central Cooperative Bank Ltd.,
Erode-3.

+1 ccs to Government Pleader Sr.NO. 47837,47874,47872,47830

+1 cc to Mr.T.Arun Kumar, Advocate Sr.NO.47709

+1 cc to M/s.T.Girija, Advocate Sr.NO. 47703

Writ Petition No.7978, 13660,4587 & 12743 of 2021

W.M.P.Nos, 13537, 14518, 8538, ,13538, 13539 of 2021

SM(CO)

A.SK(08.11.2021)