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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.08.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.9581 of 2021

A.Rajendran

... Petitioner

-Vs-

1. The Registrar of Cooperative Societies,
170, EVR Road, Chennai-6.
2. The Joint Registrar of Cooperative Societies,
Collectorate, Vengikkal,
Tiruvannamalai - 606 604.
3. The Deputy Registrar of Cooperative Societies,
Collectorate, Vengikkal,
Tiruvannamalai - 606 604.
4. The President,
H.H. 124, Thenkarumbalur Primary
Agricultural Cooperative Credit Society,
Thenkarumbalur, Tiruvannamalai Dt.

...Respondents

Prayer :

Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the 2nd respondent to consider the representation dated 20.02.2020 sent by the petitioner for conducting an enquiry over the misdeeds and misappropriation of the 4th respondent herein in accordance with law and within a stipulated period.

For Petitioner : Mr.K.Govi Ganesan

For Respondents : Mr.A.Selvendran, Government Advocate
for R1 to R3

Mr.L.P.Shanmugasundaram for R4



O R D E R

This writ petition has been filed for the issuance of Writ of Mandamus directing the 2nd respondent to consider the representation of the petitioner dated 20.02.2020 and to conduct an inquiry over the misdeeds and misappropriation said to have been committed by the 4th respondent.

2. When the matter came up for hearing on 04.08.2021, considering the seriousness of the allegations made in the affidavit filed in support of the writ petition and also the internal inspection report that was submitted by the Sub Registrar, this Court directed the learned Government Advocate to take instructions as to the stage of inquiry based on the complaint / representation given by the petitioner.

3. When the matter was taken up for hearing today, the counter affidavit of the third respondent has been placed before this Court. The relevant portions in the counter affidavit are extracted hereunder.

"9. As regards to the averments made in Para Nos.7 and 8 of the affidavit, I humbly submit that the Tamil Nadu Co-operative Societies Act, 1983 under Section 81 inquiry provision laid down under Sub-Section (1), that read as "The Registrar may, of his own motion and shall, on the application of a majority of the Board or of not less than one-third of the members or on the request of the financing bank or of the District Collector, hold an inquiry or direct some person authorised by him by order in writing in this behalf to hold an inquiry into the constitution, working and financial condition of a registered society or any alleged misappropriation, fraudulent retention of any money or property, breach of trust, corrupt practice, or mismanagement in relation to that society or into any particular aspect of the working of that society." Further, I humbly submit that on the conferment of powers in relation to the Tamil Nadu Co-operative Societies Act, 1983 as the Circle Deputy Registrar of Cooperative Societies, Tiruvannamalai herein the 3rd respondent, have ordered for an inquiry under Section 81 of the Tamil Nadu Cooperative Societies Act, 1983 in the proceedings Rc.No.986/2021 Tho.Ve.Ku.Ka.Sa.dated 22.04.2021 into the alleged representations dated 10.02.2020 and 20.02.2020. The enquiry officer cum the Cooperative Sub Registrar (Execution and Liquidation) is conducting the statutory inquiry under Section 81 of the Act



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and shall be completed on or before 21.08.2021 in the stipulated time prescribed under Section 81(4) of the Tamil Nadu Cooperative Societies Act, 1983 and the enquiry report shall be submitted in the stipulated time prescribed under Rule 104(6)(a) of the Tamil Nadu Cooperative Societies Rules, 1988. Meanwhile as the Secretary in-charge with effect from 01.06.2015 namely P.Mani had demised due to COVID-19 on 20.05.2021. Moreover I humbly submit that after the receipt of the statutory enquiry report shall be submitted in the stipulated time prescribed under Rule 104(6)(a) of the Tamil Nadu Cooperative Societies Rules, 1988. Meanwhile as the Secretary in-charge with effect from 01.06.2015 namely P.Mani had demised due to COVID-19 on 20.05.2021. Moreover I humbly submit that after the receipt of the statutory enquiry report under Section 81 of the Act, the appropriate legal actions will be initiated by the 3rd respondent herein.

10. I humbly submit that the prayer of the petitioner for the consideration of his representation dated 20.02.2020 have been considered including the representation dated 10.02.2020 for the statutory inquiry under Section 81 of the Tamil Nadu Cooperative Societies Act, 1983 has been ordered, hence the prayer of the petitioner became fulfilled, and thereby the writ petition is liable to be closed."

4. Heard Mr.K.Govi Ganesan, learned counsel appearing for the petitioner and Mr.A.Selvendran, learned Government Advocate for the respondents 1 to 3 and Mr.L.P.Shanmugasundaram, learned counsel appearing for 4th respondent.

5. It is clear from the counter affidavit filed by the third respondent that an inquiry has been ordered under Section 81 of the Tamil Nadu Cooperative Societies Act, 1983 through proceedings dated 22.04.2021. An enquiry officer in the rank of Cooperative Sub Registrar (Execution and Liquidation) has been appointed and the officer has been directed to complete the enquiry and submit the report on or before 21.08.2021.

6. In view of the above development, the relief sought for by the petitioner has already been taken care of by the respondents. Hence, there shall be a direction to the Enquiry Officer to inquire into all the allegations and also take into consideration the earlier inspection report that was submitted based on an internal inquiry which contains the entire



allegations. On receipt of the report, the respondents shall proceed further strictly in accordance with law.

7. With the above directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-I)

//True Copy//

Sub Assistant Registrar

KST

To

1. The Registrar of Cooperative Societies,
170, EVR Road, Chennai-6.
2. The Joint Registrar of Cooperative Societies,
Collectorate, Vengikkal,
Tiruvannamalai - 606 604.
3. The Deputy Registrar of Cooperative Societies,
Collectorate, Vengikkal,
Tiruvannamalai - 606 604.

+1 cc to Mr.K.Govi Ganesan, Advocate SR.No.39860
+1 cc to Special Government Pleader SR.No.40070

W.P.No.9581 of 2021

RR(CO)
CT(27/08/2021)