



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.10.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.22412 of 2021
& W.M.P.No. 23658 of 2021

K.K.159, A.Sekarapatty Primary Agricultural
Cooperative Credit Society Ltd.,
Rep by its President
P. Chinnasamy,
A. Sekarapatty Village,
Adagapadi Post, Dharmapuri Taluk and District.

... Petitioner

-Vs-

1.The Deputy Registrar of Cooperative Societies,
Dharmapuri.

2.The Cooperative Sub Registrar / Field Officer,
Harur, Dharmapuri District (Enquiry Officer).

... Respondents

Prayer: Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari, or any other appropriate writ, direction or order in the nature of Writ, Calling for the records of the 1st respondent in his impugned Pro. Na. Ka. No. 2046 / 2021 / Tho / Sa. 1 dated 07.04.2021 and quash the same as unsustainable in law.

For Petitioner : Mr.R.Thamaraiselvan

For Respondents: Mr. U.Baranidharan
Government Advocate

ORDER

This writ petition has been filed challenging the impugned proceedings of the 1st respondent dated 07.04.2021 wherein the 1st respondent has initiated an inquiry under Section 81 of the Tamil Nadu Cooperative Societies Act, 1988.

2. Heard learned counsel for the petitioner and learned counsel appearing on behalf of the respondents.



3. The learned counsel for the petitioner raised several grounds by questioning the proceeding initiated by the 1st respondent. In the considered view of this Court, the inquiry conducted under Section 81 of the Act is only a fact finding inquiry and till the report is utilised for taking further action, no one can be said to be prejudiced and in fact no opportunity is also contemplated while conducting the inquiry. The law on this issue is too well settled by the judgment of the Hon'ble Division bench in [P.Krishnan Vs. Deputy Director of Industries and Commerce and others] in 2020 2 Law Weekly 849.

4. In view of the above, this Court finds that the present writ petition itself is not maintainable since it questions the inquiry initiated under section 81 of the Act and the issue is squarely covered by the judgment of the Hon'ble Division Bench referred supra.

5. This writ petition is dismissed accordingly. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

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To

1.The Deputy Registrar of Cooperative Societies,
Dharmapuri.

2.The Cooperative Sub Registrar / Field Officer,
Harur, Dharmapuri District (Enquiry Officer).

+lcc to M/s.R.Thamarai Selvan, Advocate SR.No.53836

+lcc to Government Pleader SR.No.54649

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PMK(CO)
SB(12/11/2021)