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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.12.2021

CORAM

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P. No.25919 of 2021

B.Ram Prasad

... Petitioner

Vs

1. The Registrar of Co-operative Societies (Housing)
Vepery, Chennai - 600 007.
2. The Deputy Registrar of Co-operative Societies (Housing)
Vellore Region, Kangeyanthar Road,
373 Gandhi Nagar (East),
Vellore 632 006.
3. The President,
S.945 Hosur Co-operative House Building Society Ltd.,
Appavu Nagar,
Thally Road, Hosur,
Krishnagiri District - 635 109.
4. Manjula
5. Naveen
6. Pavithra
7. The Sub Registrar,
Registration Department,
Hosur, Krishnagiri District.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus directing the first and second respondents herein to cause forthwith enquiry to be made under Section 81 of the Tamil Nadu Co-operative Societies Act, 1983, into the Mismanagement of the affairs of the 3rd respondent Society namely, S.945, Hosur Co-operative House Building Society Ltd., of Appavu Nagar, Thally Road, Hosur, Krishnagiri District by considering the representation dated 15.07.2021 of the petitioner within a stipulated time by this Court.



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For Petitioner : Mr.R.Thamaraiselvan

For Respondents : Mr.A.Selvendran
Special Government Pleader
(for R1 & R2)

: Mr.U.Baranidharan
Additional Government Pleader
(for R3)

: Mr.P.Sathish
Additional Government Pleader
(for R7)

O R D E R

The prayer sought for herein is for a writ of mandamus directing the respondents 1 and 2 herein to cause forthwith enquiry to be made under Section 81 of the Tamil Nadu Co-operative Societies Act, 1983, into the Mismanagement of the affairs of the 3rd respondent Society namely, S.945, Hosur Co-operative House Building Society Ltd., of Appavu Nagar, Thally Road, Hosur, Krishnagiri District by considering the representation dated 15.07.2021 of the petitioner.

2. The petitioner is the member of the 3rd respondent Society which is a Housing Society and the petitioner has given a representation on 15.07.2021 to the Registrar of Co-operative Societies i.e., 1st respondent with a copy marked to the 2nd respondent that, there has been allegedly large scale of mismanagement and misappropriation of money or property of the 3rd respondent Society. Therefore, in this regard, an enquiry under Section 81 of the Tamil Nadu Co-operative Societies Act can be conducted and accordingly action can be taken against the erring persons.

3. Though such a representation having been made on 15.07.2021, since there has been no action, in this regard, on the part of the respondents, the petitioner has moved the present writ petition.

4. Heard Mr.R.Thamaraiselvan, learned counsel appearing for the petitioner, who having reiterated the above, seeks indulgence of this Court to issue a direction by way of mandamus to the 1st and 2nd respondents to consider and decide the representation of the petitioner dated 15.07.2021.



5. Heard Mr.A.Selvendran, learned Special Government Pleader appearing for respondents 1 and 2, who, on instruction, would submit that, if at all any representation has been given by the petitioner on 15.07.2021 making allegations against the President and Secretary of the 3rd respondent Society, certainly, that would be considered and decided as to whether an enquiry under Section 81 of the Act has to be conducted based on such allegations made by the petitioner and in this regard, after giving an opportunity of being heard to the petitioner as well as the President and Secretary of the 3rd respondent Society, a needful action would be taken by disposing the said representation on merits and in accordance with law within a time frame that may be stipulated by this Court.

6. Having considered the said submissions made by the learned counsel appearing for the parties and perusal of the materials placed before this Court, I am of the view that, this writ petition can be disposed of with the following direction:

That there shall be a direction to the respondents, especially the 2nd respondent to consider the representation of the petitioner dated 15.07.2021 and pass orders thereon after hearing the petitioner as well as the President and Secretary as well as the private respondents herein by giving an opportunity of being heard and decide the same on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order.

7. With this direction, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

Sgl
To

1. The Registrar of Co-operative Societies (Housing)
Vepery, Chennai - 600 007.
2. The Deputy Registrar of Co-operative Societies (Housing)
Vellore Region,
Kangeyanthar Road,
373 Gandhi Nagar (East),
Vellore 632 006.



3. The President,
S.945 Hosur Co-operative House Building Society Ltd.,
Appavu Nagar,
Thally Road,
Hosur,
Krishnagiri District - 635 109.

4. The Sub Registrar,
Registration Department,
Hosur, Krishnagiri District.

+1cc to Mr.R.Thamaraiselvan, Advocate, S.R.No.64454

W.P. No.25919 of 2021

GSM[co]
NSK 13/12/2021