



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.01.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

WEB COPY

W.P. (MD) No.1391 of 2021

V.R.Pattabiraman

...Petitioner

Vs.

- 1.The Registrar of Co-operative Societies,
O/o. The Registrar of Co-operative Societies,
170, Periyar EVR High Road,
Kilpauk, Chennai - 10.
- 2.The Joint Registrar of Co-operative Societies,
O/o. The Joint Registrar of Co-operative Societies,
Trichy District.
- 3.The Deputy Registrar of Co-operative Societies,
O/o. The Deputy Registrar of Co-operative Societies,
Lalgudi Circle, Trichy District.
- 4.The President,
Y.M.38, Lalgudi Circle Teachers
and Employees Co-operative Thrift,
Credit Society, Lalgudi, Trichy District - 621 601.
- 5.The Superintendent of Police,
Commercial Crime Investigation Wing,
Guindy, Chennai - 32.
- 6.The Inspector of Police,
Commercial Crime Investigation Wing,
Trichy District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondent No.2 to 4 to drop the disciplinary proceedings initiated against the petitioner and not to initiate criminal proceedings considering the explanation of the petitioner in the light of the Circular issued by the Registrar of Co-operative Societies vide Rc.228696/90/Cp1 dated 11.12.1991 and in the light of the Judgment of the Madras High Court in CrI.O.P.Nos.499 of 2020 and batch dated 18.09.2020, CrI.O.P.No.13330 of 2017 dated 05.11.2019 within the time period stipulated by this Court.

For Petitioner : Mr.T.Lajapathi Roy

For Respondents : Mr.P.Mahendran

Additional Government Pleader



O R D E R

By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

2. Since the petitioner's request to the respondents to drop the disciplinary proceedings initiated against the petitioner and not to initiate criminal proceedings considering the explanation of the petitioner in the light of the Circular issued by the Registrar of Co-operative Societies vide Rc.228696/90/Cp1 dated 11.12.1991 and in the light of the Judgment of the Madras High Court in Crl.O.P.Nos.499 of 2020 and batch dated 18.09.2020, Crl.O.P.No.13330 of 2017 dated 05.11.2019, was not considered, the Writ Petition has been filed. According to the petitioner, he has made a representation in this regard on 30.12.2020, which is still pending.

3. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon the respondents to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence this Court will be justified in invoking its extraordinary powers under Article 226 of Constitution of India and direct them to consider the same within a stipulated time.

4. In the light of the above observations, it would be appropriate to direct the fourth respondent herein to consider the petitioner's representation dated 30.12.2020, within a stipulated time and thereby the ends of justice could be secured. It is made clear that this Court has not expressed any of its view with regard to the merits of the claim of the petitioner and that it is open to the concerned respondent to consider the same on its own merits.

5. Accordingly, there shall be a direction to the fourth respondent to consider the petitioner's representation dated 30.12.2020, on its own merits and pass appropriate orders in accordance with law, as expeditiously as possible.

6. With the above direction, this Writ Petition stands disposed of. No costs.

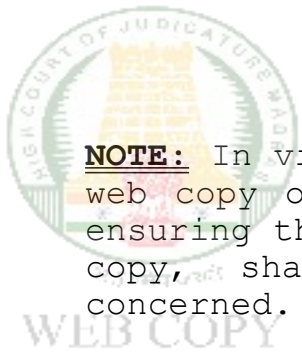
Sd/-

Assistant Registrar

// True Copy //

/ /2021

Sub Assistant Registrar



NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

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- 5.The Superintendent of Police,
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Guindy, Chennai - 32.
- 6.The Inspector of Police,
Commercial Crime Investigation Wing,
Trichy District.

+1 CC to Mr.GP (SR-2604[F] dated 01/02/2021)

+1CC to Mr.T.LAJAPATHI ROY, Advocate (SR-2924[F] dated 02/02/2021)

W.P. (MD) No.1391 of 2021
29.01.2021

TM

MS/11.02.2021/3P.9C