



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.1646 of 2021

and

W.M.P. (MD)No.1390 of 2021

WEB COPY

Bhuvaneswari

... Petitioner

-Vs-

1.The Joint Registrar of Co-operative Societies,
Ramanathapuram.

2.The Deputy Registrar of Co-operative Societies,
Paramakudi,
Ramnad District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, calling for the records pertaining to the impugned enquiry notice ந.க.2825/2020/கவி dated 10.11.2020 passed by the second respondent and quash the same.

For Petitioner : Ms.Subathra Devi
for M/s.Polax Legal Solutions

For Respondents : Mr.P.Mahendiran
Additional Government Pleader

ORDER

Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents. By consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

2.The petitioner was the Secretary of the Co-operative Society. Now the second respondent has issued the impugned notice dated 10.11.2021 proposing to hold the enquiry under Section 81 of the Tamil Nadu Co-operative Societies Act. It is this enquiry notice that is put to challenge in this writ petition.

3.The learned Counsel appearing for the petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition.

4.The writ petition is liable to be dismissed for two reasons. Firstly, what is under challenge is only a enquiry notice under Section 81 of the Act. That by itself does not infringe the



rights of the petitioner in any manner. That apart, the report under Section 81 of the Act can only furnish the basis for triggering further action against the petitioner such as surcharge proceedings. If such consequential proceedings are taken pursuant to the report under Section 81 of the Act, it is always open to the petitioner to raise all her defences. The petitioner cannot be condemned on the strength of the report under Section 81 of the Act alone. Since such opportunities are very much available, it is not for this Court to interfere at this stage. Leaving open the petitioner's contentions, the Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (RECORDS)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

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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

1.The Joint Registrar of Co-operative Societies,
Ramanathapuram.

2.The Deputy Registrar of Co-operative Societies,
Paramakudi,
Ramnad District.

+1 CC to M/s.POLAX LEGAL SOLUTIONS, Advocate (SR-3147[F] dated
03/02/2021)

+1 CC to SGP (SR-3040[F] dated 03/02/2021)

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