



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.10.2021

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WEB COPY

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P(MD)No.18223 of 2021

and

W.M.P. (MD)No.15057 of 2021

R.Karunanithi

... Petitioner

Vs.

1.State of Tamil Nadu,
Rep. by its Secretary,
Co-operative and Food Department,
Fort St. George, Secretariat,
Chennai-600 009.

2.The Joint Registrar of Co-operatives,
Thanjavur Region,
Samyyappa Co-operative Management,
Training Institute Complex,
Medical College Road,
Thanjavur.

3.The Deputy Registrar of Co-operative Societies,
Kumbakonam Circle,
Sarangapani Sannathi Street,
Kumbakonam.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records from the second respondent in proceedings in Na.Ka.No.6416/2019/SP dated 04.03.2020 and to quash the same as illegal and contrary to law and consequently direct the second respondent not to implement under Section 36(1) of Tamil Nadu Co-operative Societies Act 1983.

For Petitioner : Mr.A.R.Sethupathy

For Respondents : Mr.P.Subbaraj
Counsel for State

ORDER

The petitioner challenges a show cause notice under Section 36 (1) of the Tamil Nadu Co-operative Societies Act, 1983.



2.The principal contention of the petitioner is that proceedings were initiated against the petitioner under Section 87 of the Act of 1983. Such proceedings culminated in an order dated 09.06.2020. The said order was assailed by the petitioner by filing an appeal before the District Court (Co-operative Tribunal), Thanjavur in COP.C.M.A.No.10 of 2021, which is said to be pending.

3.According to the petitioner, the present proceedings constitute parallel proceedings pertaining to the same charges. On such basis, the show cause notice under Section 36(1) is assailed.

4.Mr.P.Subbaraj, learned counsel for the State, accepts notice for all the respondents. He submits that the challenge is to a show cause notice and, in fact, the petitioner has also replied to the same.

5.Section 36 of the Act of 1983 pertains to disqualification and removal pursuant to an audit under Section 80, an inquiry under Section 81, an inspection or investigation under Section 82 or an inspection of books under Section 83. Under Section 36, the Registrar is empowered to disqualify a member permanently from holding office subject to the procedures prescribed therein. Such procedures includes the provision of an opportunity to the person concerned to make representations in terms of Section 36(2). As such, proceedings under Section 36 are distinct from the proceedings which culminated in the order dated 09.06.2020. In addition, in judicial review, the Court ordinarily does not interfere with a show cause notice. In the case at hand, the petitioner has replied to such show cause notice and also provided an additional explanation.

6.For reasons set out above, the petitioner has failed to make out a case to interfere with the impugned communication dated 04.03.2020. Consequently, W.P.(MD)No.18223 of 2021 is dismissed without any order as to costs by leaving it open to the petitioner to participate in and contest the proceedings initiated under the impugned notice. Consequently, W.M.P.(MD)No.15057 of 2021 is closed

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

sj1

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



To

- 1.The Secretary,
State of Tamil Nadu,
Co-operative and Food Department,
Fort St. George, Secretariat,
Chennai-600 009.
- 2.The Joint Registrar of Co-operatives,
Thanjavur Region,
Samyyappa Co-operative Management,
Training Institute Complex,
Medical College Road,
Thanjavur.
- 3.The Deputy Registrar of Co-operative Societies,
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Sarangapani Sannathi Street,
Kumbakonam.

+1 CC to M/s.SPL.GP (SR-31974[F] dated 11/10/2021)

W.P (MD) No.18223 of 2021
08.10.2021

RD(21.10.2021) 3P 5C