



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.02.2021

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THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P. (MD) No.19116 of 2020 and

W.M.P. (MD) Nos.15986 & 15987 of 2020 & 1563 of 2021

WEB COPY

N.Jeyamani

... Petitioner

Vs.

1. The Registrar of Co-operative Societies,
No.170, EVR Periar High Road,
Kilpauk, Chennai - 10.
2. The Joint Registrar of Co-operative Societies,
O/o. Joint Registrar of Co-operative Societies,
Sivagangai.
3. The Deputy Registrar of Co-operative Societies,
O/o. Deputy Registrar of Co-operative Societies,
Karaikudi Region, Sivagangai District.
4. The Enquiry Officer/
Sub Registrar of Co-operative Societies,
Singampunari R.D.145 Tamil Nadu State
Transport Corporation,
Employees Co-op Thrift and Credit Societies,
Karaikudi, Sivangangai.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order of the third respondent in Na.Ka.No.1254/2011/Sa.Pa dated 15.06.2020 and quash the same and consequently direct respondents 3 and 4 to furnish the documents relating to the impugned notice of the third respondent based on the petitioner's representation dated 31.10.2020 and 02.12.2020.

For Petitioner	: Mr.PR.Boomee Rajan
For R-1 to R-3	: Mr.B.Bhagavathi, Government Advocate.
For R-4	: Mr.P.Mahendran Additional Government Pleader
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O R D E R

Heard the learned counsel on either side.

2. The petitioner was an employee in the fourth respondent society. The petitioner has challenged the impugned proceedings

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whereby the enquiry under Section 81 of the Tamil Nadu Cooperative Societies Act was ordered against the petitioner herein.

3. I granted interim order since I felt swayed by the submission of the petitioner's counsel that the cause of action is more than 15 years old. When there is no dispute that the cause of action pertains to the year 2005-06, the petitioner pointed out that in respect of such a cause of action, notice was issued on 15.06.2020. Recording the said submission, I granted interim stay. Now it is brought to my notice that actually the enquiry notice was initiated way back in the year 2011 itself and that the petitioner had filed W.P.(MD)No.7197 of 2011. Interim stay was granted and the writ petitioner suffered a dismissal on 09.08.2019. Thereafter, the proceedings were re-started.

4. I carefully went through the contents of the affidavit filed in support of the writ petition. Nowhere there is any reference to the filing of the earlier writ petition or its dismissal. Of course in the typed set of papers, in the proceedings of the respondents, there are references to the earlier order dated 09.08.2019. But then, the affidavit is silent. I granted interim order only after going through the averments set out in the affidavit filed in support of the writ petition and the submission of the learned counsel. I must note, since the petitioner had already knocked the doors of the Court challenging the proceedings initiated under Section 81 of the Tamil Nadu Cooperative Societies Act, a second challenge on the same cause of action will not arise.

5. This writ petition stands dismissed. Interim order granted earlier is vacated. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (RTI)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

pmu

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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Karaikudi, Sivangangai.

+1 CC to SPL GP (SR-3286,3351,3366[F] dated 04/02/2021)

+1 CC to MR.PR.BOOMEERAJAN, Advocate (SR-3421[F] dated 05/02/2021)

W.P.(MD)No.19116 of 2020
03.02.2021

VB (15.02.2021) 3P 7C