



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.01.2022

CORAM :

THE HONOURABLE MR. JUSTICE S.M. SUBRAMANIAM

W.P.No. 1170 of 2022

And

M.P.No. 1238 of 2022

Mr. J.Chithambaram

... Petitioner

Vs.

1. The State Registrar
State Co-operative Societies
Kilpauk
Chennai
Tamil Nadu - 600 010.
2. The Joint Registrar
Co-operative Societies
Dharmapuri Region
O/o. Joint Registrar of Co-operative Societies
District Collectorate
Dharmapuri - 636 701.
3. The Deputy Registrar
Co-operative Societies
Dharmapuri Region
O/o. Joint Registrar of Co-operative Societies
District Collectorate
Dharmapuri - 636 701.
4. S.121, Adiyaman Kottai Primary Agricultural
Co-operative Credit Society Ltd.,
Rep. by its Secretary
Adiyaman Kottai Village & Post
Dharmapuri, Taluk
Dharmapuri District - 636 807.
5. Mr. Durairaj ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the second respondent to take appropriate departmental action against the Dharmapuri District, Adiyamankottai Co-operative Society Secretary, namely, Mr.Durairaj and remove from service and also consequently direct to pay the 3rd installment



full amount of Rs.2,16,000/- based upon the petitioner representation dated 20.09.2021.

For Petitioner : Mr. C.Palanisamy

For RR 1 to 4 : Mr. A.Selvendran
Special Government Pleader
(Co-operative)

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ORDER

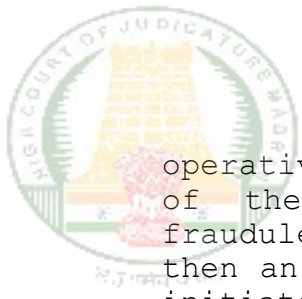
The relief sought for in the present Writ Petition is to direct the second respondent to take appropriate departmental action against the Dharmapuri District, Adiyamankottai Co-operative Society Secretary, namely, Mr.Durairaj.

2. The petitioner states that he is the member of the said Co-operative Society registered under the provisions of the Tamilnadu Co-operative Societies Act. The petitioner is a Senior Citizen and states that there are several allegations against the fifth respondent, Secretary of the Co-operative Society and the authorities failed to initiate appropriate action against the Secretary despite the fact that the petitioner submitted a complaint /representation. There were several irregularities, misappropriation regarding the funds of the Co-operative Society and the authorities are failing in their duty to initiate appropriate action under the provisions of the Tamilnadu Co-operative Societies Act.

3. This Court is of the considered opinion that whenever there are allegations of misappropriation, fraud, falsification or otherwise, such complaints given in writing must be appropriately dealt with by the authorities of the Co-operative Department. In order to ascertain the genuineness of the allegations, the authorities competent are empowered to order for statutory enquiry under Section 81 of the Tamilnadu Co-operative Societies Act. Thus, when complaints are received, the authorities competent are expected to invoke Section 81 of the Tamilnadu Co-operative Societies Act and conduct a statutory enquiry ascertained the functioning of the Co-operative Society and initiate appropriate actions.

4. Contrarily, there cannot be a silent spectator in such serious allegations if any raised against the Co-operative Society, when the authorities are vested with the power under the provisions of the Act. Such power should be exercised whenever required and in the event of failure in exercising such power, the authorities are also responsible for their lapse and negligence or dereliction of duties.

5. Thus, the respondent Nos. 2 and 3 are directed to initiate action under Section 80, 81 and 82 of the Tamilnadu Co-



operative Societies Act and ascertain the administrative affairs of the Co-operative Society and if any misappropriation, fraudulent activities or otherwise on records are identified, then an appropriate actions contemplated under the Act are to be initiated. The respondent Nos. 2 and 3 are further directed to initiate the said action within a period of four weeks from the date of receipt of a copy of this order based on the representation submitted by the writ petitioner.

6. With the above said direction, the Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-IX)

//True Copy//

Sub Assistant Registrar

Vsg

To

1. The State Registrar
State Co-operative Societies
Kilpauk, Chennai
Tamil Nadu - 600 010.
2. The Joint Registrar
Co-operative Societies
Dharmapuri Region
O/o. Joint Registrar of Co-operative Societies
District Collectorate, Dharmapuri - 636 701.
3. The Deputy Registrar
Co-operative Societies
Dharmapuri Region
O/o. Joint Registrar of Co-operative Societies
District Collectorate
Dharmapuri - 636 701.
4. The Secretary
S.121, Adiyaman Kottai Primary Agricultural
Co-operative Credit Society Ltd.,
Adiyaman Kottai Village & Post
Dharmapuri, Taluk
Dharmapuri District - 636 807.

+1cc to the Government Pleader, S.R.No.6441

W.P.No. 1170 of 2022

And

M.P.No. 1238 of 2022

PMK (CO)

SB(17/02/2022)