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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.03.2022

CORAM

THE HONOURABLE MR.JUSTICE V. BHARATHIDASAN

W.P. No.4459 of 2022

G. Kuppusamy

... Petitioner

Vs

1.The Registrar of Co-operative Societies,
No.170, NV Natarajan Maaligai,
Poonamallee High Road,
Kilpauk, Chennai 600 010.

2. The Common Cadre Chairman/
Joint Registrar of Co-operatives Societies,
Villupuram Region,
Villupuram District 605 602.

3. The Deputy Registrar of Co-operative Societies,
Tindivanam Taluk,
Tindivanam 604 001.

4. The Administrator,
CL.SPL.148, Melpakkam Primary Agricultural,
Co-operative Credit Society,
Melpakkam, Tindivanam Taluk,
Villupuram District 604 304.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue orders of Writ of Certiorarified Mandamus to call for the records of the 3rd respondent having Ref.No.Na.Ka.No.58/2021/Nuku (3) dated 17.12.2021 and quash the same and consequently direct the first respondent to consider the petitioner's representation dated 03.01.2022 and order a fresh enquiry observing the principles of natural justice on the issue of alleged misappropriation in the CL.SPL.148, Melpakkam Primary Agricultural Co-operative Credit Society, the 4th respondent herein before any competent officer.



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For petitioner ... Mrs. Nalini Chidambaram
for M/s.Kanchi Kailasam

For respondents ... Mrs. S.Anitha
Special Government Pleader

ORDER

This writ petition has been filed challenging the order passed by the 3rd respondent dismissing the petitioner's request to conduct a de-nova enquiry under Section 81 of the Tamil Nadu Co-Operative Societies Act.

2. Now, it is stated that based on the enquiry conducted under Section 81 of the Act, surcharge proceedings has been initiated against the petitioner under Section 87 of the Act and the appeal filed by the petitioner against the surcharge proceedings was also dismissed. Challenging the same, the petitioner filed a Civil Revision Petition in CRP No.2190 of 2020 before this Court and the same is pending.

3. Considering the said circumstances, at this stage, the prayer sought by the petitioner to conduct a de-novo enquiry under Section 81 of the Act cannot be granted. However, it is always open to the petitioner to raise all the points in the revision filed by him. Hence, this Court finds no merit in the writ petition and the same is liable to be dismissed.

4. Accordingly, the Writ Petition is dismissed. No costs.

SD/-
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR

mrp
To

1.The Registrar of Co-operative Societies,
No.170, NV Natarajan Maaligai,
Poonamallee High Road,
Kilpauk, Chennai 600 010.



2. The Common Cadre Chairman/
Joint Registrar of Co-operatives Societies,
Villupuram Region,
Villupuram District 605 602.

3. The Deputy Registrar of Co-operative Societies,
Tindivanam Taluk,
Tindivanam 604 001.

+1cc to the Government Pleader Sr.14152

+1cc to Mrs.C.Uma, Advocate Sr.13972

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pa[co]
srg 22/03/2022