



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.04.2022

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Writ Petition No.8711 of 2022
and W.M.P.Nos.8628 & 8630 of 2022

G.Sambandam

.. Petitioner

Vs.

1.The Registrar of Co-operative Housing Societies
Tamil Nadu Housing Federation
Vepery, Chennai-600 007.

2.The Joint Registrar of Co-operative Housing Societies
No.48, Ritherdon Road
Vepery, Chennai-7.

3.The Deputy Registrar of Co-operative Housing Societies
26-B, Alagesan nagar
Chengalpattu Regional
Chengalpattu.

4.The President
Kancheepuram Co-operative Housing Societies
Kancheepuram.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorari calling for the records of the 4th respondent impugned order dated 20.01.2022 vide Na.Ka.No.346/2021/Vu and to quash the same.

For Petitioner : Mr.Amar D.Pandiya

For R1 to R3 : Mr.A.Selvendran

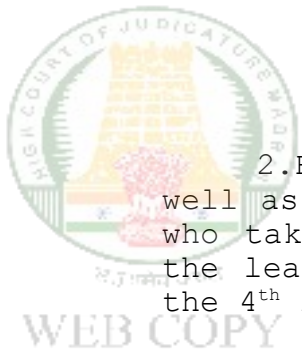
Special Government Pleader

For R4 : Mr.T.Chezhian

Additional Government Pleader

O R D E R

Writ Petition is filed challenging the proceedings of the 3rd respondent dated 20.01.2022 ordering enquiry under Section 81 of the Tamil Nadu Co-operative Societies Act (hereinafter called as 'the Act').



2. Heard the learned counsel appearing for the petitioner as well as Mr.A.Selvendran, the learned Special Government Pleader, who takes notice for the respondents 1 to 3 and Mr.T.Cezhian, the learned Additional Government Pleader, who takes notice for the 4th respondent and perused the entire materials on record.

3. According to the petitioner, he is the President and Secretary, In-charge of Kancheepuram Co-operative Housing Societies. The Society was formed in the year 1959 at Kancheepuram and developed by lending loan to its members. During 2016, Society discharged the entire outstanding loan from Tamil Nadu Co-operative Housing Federation, Chennai-7. The petitioner as President sought for loan for which, Tamil Nadu Co-operative Housing Federation did not sanction. In view of the same, the petitioner has approached the 1st respondent for mortgage loan of Rs.1,30,00,000/- offering to mortgage the property of the Society valued at Rs.6 Crores. The 1st respondent did not consider the said request. Hence, the petitioner filed W.P.No.3130 of 2022 for a direction to the 1st respondent to sanction mortgage loan to the Society considering the petitioner's representation dated 27.08.2021. This Court directed the 1st respondent to consider the representation of the petitioner. Only to circumvent the order of this Court, the impugned enquiry under Section 81 of the Act has been ordered by the 3rd respondent. The 3rd respondent has not followed the ingredients of Section 81 of the Act and order of the 3rd respondent is without jurisdiction, illegal and prayed for setting aside the order of the 3rd respondent and allowing the Writ Petition.

4. From the materials on record, it is seen that 3rd respondent has received report from the concerned Sub-Registrar that there is materials to show that petitioner has committed various irregularities. In order to find out correctness of the same, the 3rd respondent ordered enquiry under Section 81 of the Act. Enquiry under Section 81 of the Act is only a fact finding enquiry. In view of the same, the petitioner is not entitled to relief sought for in the present Writ Petition. Accordingly, the Writ Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS IX)

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Sub Assistant Registrar

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To

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Chengalpattu.

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Kancheepuram.

+1 cc to Mr.M.Selvam, Advocate Sr.NO. 24789

W.P.No.8711 of 2022
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BS (CO)
A.SK(27/04/2022)