



W.P.No.14016 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.06.2022

CORAM

THE HON'BLE **MR.JUSTICE C.SARAVANAN**

W.P.No.14016 of 2022

and

W.M.P.Nos.13267 and 13268 of 2022

P.Periasami

... Petitioner

Vs.

1. The Deputy Registrar of Co-operative Societies,
Coimbatore Circle,
Coimbatore District.

2. The President,
K.2034, Pethikuttai Primary Agricultural
Co-operative Credit Society,
Pethikuttai – 638 459,
Mettupalayam Taluk,
Coimbatore District.

3. The Joint Registrar of Co-operative Societies,
Coimbatore Region,
Coimbatore District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, for issuance of a Writ of Certiorari, calling for the entire records relating to the impugned order passed by the first respondent in his proceedings No.Na.Ka.1511/2021/Ve1 dated 13.05.2022 and quash the same.



W.P.No.14016 of 2022

For Petitioner : Mr.C.Prakasam

For Respondents : Mr.B.Tamilnidhi
Additional Government Pleader

WEB COPY

ORDER

The petitioner has filed this writ petition for the issuance of the Writ of Certiorari to call for the entire records relating to the impugned order passed by the first respondent in his proceedings No.Na.Ka.1511/2021/Ve1 dated 13.05.2022 and quash the same.

2. The petitioner has challenged the Impugned Order of the first respondent in its proceedings dated 13.05.2022 bearing reference No.Na.Ka.1511/2021/Ve1, on the ground that the proceedings have been initiated to recover the amount allegedly received by the petitioner and others in excess of the salary over a period of last thirty six (36) years.

3. It is submitted that this action of the first respondent is contrary to well settled principles of law, particularly the settlement under Section 18(2) of the Tamil Nadu Co-operatives Societies Act, 1947. It is further submitted that the issue is squarely covered in favour of the petitioner in the decision of the Hon'ble Supreme Court in the case of **Babulal Jain Vs. State of Madhya**



W.P.No.14016 of 2022

Pradesh and Ors, (2007) 6 SCC 180.

WEB COPY

4. Opposing this writ petition, the learned counsel for the respondents submits that the order of the first respondent is well reasoned and requires no interference.

5. I have considered the arguments advanced by the learned counsel for the petitioner and the learned counsel for the official respondents and perused the Impugned Order dated 13.05.2022 bearing reference No.Na.Ka.1511/2021/Ve1

6. The Impugned Order dated 13.05.2022 contains a detailed allegation and has concluded that the amount has to be recovered from the petitioner.

7. Considering the fact that the said order has been passed without giving the petitioner an adequate opportunity to reply and no Show Cause Notice has been issued, the Impugned Order is quashed and the case is remitted back to the respondents to pass a fresh order, preferably within a period of eight weeks thereafter. The Impugned Order which stands quashed



W.P.No.14016 of 2022

shall be treated as a Show Cause Notice, if desires the respondent may issue any corrigendum within a period of fifteen days from the date of receipt of a copy of this order.

8. In view of the above, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

24.06.2022

Index : Yes/No
Internet : Yes/No
Speaking/Non-speaking Order
rgm



W.P.No.14016 of 2022

To
WEB COPY

1. The Deputy Registrar of Co-operative Societies,
Coimbatore Circle,
Coimbatore District.
2. The President,
K.2034, Pethikuttai Primary Agricultural
Co-operative Credit Society,
Pethikuttai – 638 459,
Mettupalayam Taluk,
Coimbatore District.
3. The Joint Registrar of Co-operative Societies,
Coimbatore Region,
Coimbatore District.



WEB COPY



W.P.No.14016 of 2022

C.SARAVANAN, J.

rgm

W.P.No.14016 of 2022

and

W.M.P.Nos.13267 and 13268 of 2022