



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.06.2022

CORAM:

THE HONOURABLE MR. JUSTICE C.SARAVANAN

W.P.No. 26324 of 2021

and

W.M.P.No.27795 of 2021

V.Ravi

... Petitioner

vs

1. The Assistant Director,
Handloom and Textiles Department,
Vellore.

2. The Management of the
K-H84, Narsingapuram Sri Dhanalakshimi
Handloom Weavers Primary Co-operative Production and
Sale Socieity Ltd.,
Narasingapuram, Minnal Post,
Arakkonam Taluk,
Ranipet District

... Respondents

Prayer: Writ Petition filed under Article 227 of the Constitution of India praying for the Writ of Certiorarified Mandamus to call for the records relating to the impugned order passed by the 1st respondent in Surcharge Na.Ka.No.1185/2020/d dated 06.05.2021 under Section 87 if Tamil Nadu Co-operative Societies Act, 1983 and quash the same.

For Petitioner : Mr.L.P.Shanmugasundaram

For Respondents : Ms.Tamilnidhi
Additional Govt. Pleader



ORDER

The petitioner had filed this writ petition challenging the impugned order dated 06.05.2021 passed by 1st respondent, The Assistant Director, Handloom and Textiles Department, Vellore.

2. The case of the petitioner is that the petitioner was elected as President of the 2nd respondent Society from the year 2016 to 2021. Subsequently, an enquiry under Section 82 of the Tamil Nadu Co-operative Societies Act, 1983 (herein after referred to as 'Act') was ordered to look into the affairs of the Society in connection with the time bared dues form the member (Member No.301) report dated 10.12.2020, the surcharge proceeding initiated and the showcause notice was issued under Section 87 of the Act on 05.02.2021 seeking explanation or or before 12.02.2021, without furnishing the Inspection Report under Section 82 of the Act .

3. The petitioner is aggrieved by the impugned order dated 06.05.2021 bearing reference No.Na.Ka.No.1185/2020/d passed by the 1st respondent under Section 82 of the Act, on the ground that in the aforesaid surcharge proceedings, an Inspection Report under Section 82 of the Act to be provided. However, the copy of the Inspection Report was not furnished to the petitioner.

4. Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing on behalf of the 1st respondent.

5. On perusing the impugned order, it is seen that the impugned proceedings are without



furnishing the Inspection Report, under Section 82 of the Tamil Nadu Co-operative Societies Act, 1983.

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6. This Court in its order dated 09.08.2021, in the case of ***C.Manickam Vs The Deputy Registrar of Co-operative Society and another*** in ***W.P.No.16563 of 2021*** and that the case of ***K.Natarajan Vs The Deputy Registrar of Co-operative Society and another*** ***W.P.No.27488 of 2019*** vide order dated 21.02.2022 has considered the issue in favour of the petitioner. Infact, there is a circular issued in the Registrar of Co-operative Society, which also explains how the proceedings have to be conducted and that a copy of the documents relied has to be issued.

7. In these circumstances, I am inclined to quash the impugned order and remit the case back to the respondent to pass a fresh speaking order within a period of twelve weeks from the date of receipt of a copy of this order. In these circumstances, before passing any such order, the petitioner shall be furnished with a copy of the speaking report under Section 82 of the Tamil Nadu Co-operative Societies Act, 1983.

8. With the above directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

30.06.2022

gba



To



1. The Assistant Director,
Handloom and Textiles Department,
Vellore.
2. The Management of the
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C.SARAVANAN, J.

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