



W.P.No.28378 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.10.2022

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.28378 of 2022

and

W.M.P.No.27686 of 2022

S.Arumai Simpson

... Petitioner

Vs.

The Deputy Registrar of
Cooperative Societies/Surcharge Officer,
Thiruvallur Circle, Thiruvallur (Dist.)

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondent to furnish the 81 enquiry report and follow the Principles of Natural Justice in the light of the Registrar's Circular No.3 of 2018 dated 25.04.2018 by considering the representation of the petitioner dated 26.09.2022.

For Petitioner : Mr.L.P.Shanmugasundaram

For Respondent : Mr.R.U.Dinesh Rajkumar
Additional Government Pleader

ORDER

This Writ Petition has been filed seeking issuance of a Writ of Mandamus to direct the respondent to furnish the 81 enquiry report and follow the principles of natural justice in the light of the Registrar's Circular



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No.3 of 2018 dated 25.04.2018 by considering the representation of the petitioner dated 26.09.2022.

2. The case of the petitioner is that he is working as a Superintendent/Manager Incharge of the Tiruvalluvar Consumer Co-operative Whole Sale Stores under the respondent. According to the petitioner, the respondent issued a show cause notice under Section 87 of Tamil Nadu Co-operative Societies Act, 1983 (in short, "the Act") on 09.09.2022, without furnishing the Section 81 Enquiry Report, which is the basis of the Show Cause Notice. Therefore, the petitioner made a representation dated 26.09.2022 before the respondent, seeking to furnish the copy of Section 81 enquiry report to submit his explanation by following the procedures contemplated under Section 87(4) of the Act and the Circular No.3 of 2018 dated 25.04.2018 issued by the Registrar of Co-operative Societies. However, the said representation was not considered by the respondent, the petitioner filed the present Writ Petition.

3. The learned counsel for the petitioner submitted that, it would suffice, if this Court issues a direction to the respondent to consider the petitioner's representation dated 26.09.2022 and pass orders on the same



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within a particular time frame that has to be fixed by this Court.

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4. The learned Additional Government Pleader appearing for the respondent submitted that, Section 81 Enquiry Report would be furnished and the procedures contemplated under Section 87(4) of the Act will be scrupulously followed in the light of Registrar Circular No.3 of 2018 dated 25.04.2018 during the enquiry.

5. Recording the said submission made by the learned Additional Government Pleader, this Writ Petition is disposed of with a direction to the respondent to furnish the copy of Section 81 Enquiry Report to the petitioner to enable the petitioner to submit his representation on the basis of petitioner's representation dated 26.09.2022. The aforesaid exercise shall be completed within a period of two weeks from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petition is closed.

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Index : Yes / No

Speaking order: Yes/ No

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M.DHANDAPANI, J.

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To
The Deputy Registrar of
Cooperative Societies/Surcharge Officer,
Thiruvallur Circle,
Thiruvallur (Dist).

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