



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. [MD]No.2729 of 2022

and

W.M.P. [MD]Nos.2416 & 2417 of 2022

WEB COPY

P.Subbarayan

... Petitioner

Vs.

1.The Deputy Registrar of Cooperative Societies,
Additional Building,
Karur Collector Office Building,
Karur - 639 007.

2.The Section 82 Inspection Officer,
C/o The Office of the Deputy Registrar of
Cooperative Societies,
Additional Building,
Karur Collector Office building,
Karur - 639 007.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the first respondent to serve the copies of documents as per the representation of the petitioner dated 25.01.2022 and also permit the petitioner to cross examine Sec 82 inspection Officer and others as required by the petitioner.

For Petitioner : Mr.V.O.S.Kalaiselvam
For Respondents : Mr.P.Thilak Kumar
Government Pleader

O R D E R

This writ petition has been filed for a Mandamus seeking for a direction to the first respondent to serve the copies of the documents as per the representation of the petitioner dated 25.01.2022 and also permit the petitioner to cross examine Section 82 Inspection Officer and others as required by the petitioner under his aforementioned representation and pass final orders within a time frame to be fixed by this Court.

2.Surcharge proceedings has been initiated against the petitioner under the Tamil Nadu Cooperative Societies Act, 1983. The petitioner claims that he is innocent. Enquiry has already commenced. The petitioner has given a representation on 25.01.2022 to the first representation requesting him to serve the copies of the documents mentioned in his representation and also to permit him



to cross examine the Section 82 Inspection Officer and others. Since the said representation has not been considered the petitioner has filed this writ petition.

3. Heard Mr.V.O.S.Kalaiselvam, learned Counsel for the writ petitioner and Mr.P.Thilak Kumar, learned Government Pleader who accepts notice on behalf of the respondents.

4. Learned Government Pleader on instructions submits that the last date of enquiry was on 31.01.2022 and that the petitioner did not participate in the enquiry proceedings. According to him, the representation given by the petitioner is only delaying tactics adopted by the petitioner.

5. But on the other hand, learned Counsel for the petitioner submits that the documents requested by the petitioner are all crucial documents which includes the actual receipts given by the borrowers for receipt of the loan and only with the help of those documents, the petitioner will be able to disprove the claim made by the respondents in the surcharge proceedings.

6. No prejudice would be caused to the respondents if the representation of the petitioner is considered on merits and in accordance with law within a time frame to be fixed by this Court.

7. Accordingly, this Court directs the first respondent to consider the petitioner's representation dated 25.01.2022 requesting for serving the copies of documents mentioned therein and also permit him to cross-examine the Section 82 Inspection Officer and others as mentioned in the representation and pass final orders on merits and in accordance with law within a period of one [1] month from the date of receipt of a copy of this order. Till such time, the enquiry in the surcharge proceedings initiated against the petitioner by the respondent shall remain stayed and once final orders are passed in the petitioner's representation dated 25.01.2022, the first respondent is at liberty to pass final orders in the surcharge proceedings thereafter.

8. With the above direction, this Writ Petition stands disposed of. Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.

Sd/-

Deputy Registrar (A/Cs)

// True Copy //

/ /2022

Sub Assistant Registrar (CS)

MR

<https://hcservices.ecourts.gov.in/hcservices/>



NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Deputy Registrar of Cooperative Societies,
Additional Building,
Karur Collector Office Building,
Karur - 639 007.

2.The Section 82 Inspection Officer,
C/o The Office of the Deputy Registrar of
Cooperative Societies,
Additional Building,
Karur Collector Office building,
Karur - 639 007.

+1 CC to M/s.SPL GP (SR-5914[F] dated 14/02/2022)

+1 CC to M/s.V.O.S.KALAISELVAM, Advocate (SR-5471[F] dated 10/02/2022)

ORDER MADE IN
W.P. [MD]No.2729 of 2022
10.02.2022

CK(CO)
TR(28.02.2022) 3P 5C