



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **28.02.2022**

CORAM:

THE HONOURABLE **MR.JUSTICE ABDUL QUDDHOSE**

W.P.[MD]No.3639 of 2022

1.T.Kasbar

2.U.S.Sasu

... Petitioners

/Vs./

1.The District Collector,
Pudukottai,
Pudukottai District.

2.The Registrar,
Office of Co-operative Societies,
NV.Natarajan Maligai,
EVR High Road,
Chennai.

3.The Managing Director,
District Central Co Operative Bank,
T.S.No.834/836, Keelaraja Street,
Pudukottai.

4.The Inspector of Police,
Alangudi Police Station,
Pudukottai District.

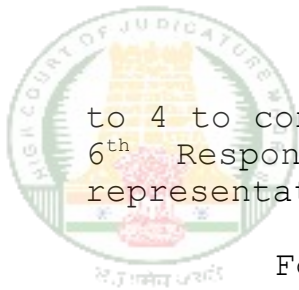
5.The Deputy Registrar,
Office of Deputy Registrar of Co-operative Society,
Kamachi Amman Koil Street,
Aranthangi,
Pudukottai District.

6.Natarajan (Secretary),
No.3, Primary Agricultural Cooperative Society Ltd.,
9, Navalar Street,
Alangudi,
Pudukottai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the Respondents 1

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to 4 to conduct proper enquiry and take necessary action against the 6th Respondent (Secretary of the Society) based on the Petitioner's representation dated 05.01.2022.

For Petitioner : Mr.N.Kamesh

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For R1 to R5 : Mr.M.Senthil Ayyanar
Government Advocate

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the respondents 1 to 4 to conduct proper enquiry and take necessary action against the 6th Respondent (Secretary of the Society) based on the Petitioners' representation dated 05.01.2022, within a time frame to be fixed by this Court.

2.Heard Mr.N.Kamesh, learned counsel appearing for the petitioners and Mr.M.Senthil Ayyanar, learned Government Advocate appearing for the respondents 1 to 5.

3.The learned Government Advocate appearing for the respondents 1 to 5 would submit that the petitioners' representation with regard to the charges levelled against the sixth respondent has already been considered and final orders passed by the fifth respondent on 22.10.2021, which has also been filed in the typed set of papers filed by the petitioner along with this writ petition.

4.This Court has also perused and examined the same. As rightly pointed out by the learned Government Advocate, the petitioners' representation with regard to the allegations made by them against the sixth respondent, has been enquired into and final order has been passed on 22.10.2021 rejecting the petitioners' allegation.

5.In the affidavit filed in support of this writ petition, the petitioners have requested for change of Enquiry Officer, as according to them, the fifth respondent is a biased person and has deliberately not held a proper enquiry while considering the petitioners' representation earlier.

6.After giving due consideration to the aforementioned factors, this Court is of the considered view that if at all the petitioners are aggrieved by any decision taken by the fifth respondent with regard to their complaint levelled against the sixth respondent, the petitioner will have to necessarily challenge the order passed by the fifth respondent, in the manner known to them under law.



7.Since the representation of the petitioners has already been considered by the fifth respondent and their representation having been rejected by him, the only remedy available to the petitioners is to challenge the order dated 22.10.2021 passed by the fifth respondent in the manner known to them under law.

8.Accordingly, this Writ Petition is disposed of by granting liberty to the petitioners to challenge the order dated 22.10.2021 passed by the fifth respondent in the manner known to them under law. There shall be no order as to costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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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 District Collector,
Pudukottai,
Pudukottai District.
- 2.The Registrar,
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NV.Natarajan Maligai,
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Chennai.
- 3.The Managing Director,
District Central Co Operative Bank,
T.S.No.834/836,
Keelaraja Street, Pudukottai.
- 4.The Inspector of Police,
Alangudi Police Station,
Pudukottai District.



5.The Deputy Registrar,
Office of Deputy Registrar of Co-operative Society,
Kamachi Amman Koil Street,
Aranthangi,
Pudukottai District.

WEB COPY

+1 CC to M/s.SPL GP (SR-9203[F] dated 01/03/2022)

W.P. [MD]No.3639 of 2022

Dated:

28.02.2022

RK(18/03/2022) 4P 7C