



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **18.02.2022**

CORAM:

THE HONOURABLE **MR.JUSTICE ABDUL QUDDHOSE**

W.P.[MD]No.3179 of 2022

and

W.M.P.[MD]No.2766 of 2022

WEB COPY

D.G.Loganathan

... Petitioner

/Vs./

1.The Deputy Registrar of Co-operative Societies,
Paramakudi,
Ramanathapuram District.

2.The Enquiry Officer,
Co-operative Sub Registrar / Field Officer,
Nainarkoil,
RR 1482-Ramanathapuram District -
Public Works Department and Highways,
Department Employees Co-operative Thrift & Credit Society Ltd.,
Paramakudi,
Ramanathapuram District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, forbearing the 2nd respondent from proceeding with the enquiry and passing final order thereon in the light of the proceedings of the 1st respondent dated 15.12.2020 and consequent proceedings of the 2nd respondent dated 28.12.2020 pending disposal of the criminal proceedings in Cr.M.P.No.1644 of 2021 on the file of the Judicial Magistrate, Paramakudi initiated for want of documents which are vital to proceed with enquiry by the erstwhile enquiry officer namely Ravichandran.

For Petitioner : Mr.B.Prahalad Ravi

For Respondents : Mr.M.Senthil Ayyanar
Government Advocate

ORDER

This writ petition has been filed seeking for a Mandamus, to forbear the 2nd respondent from proceeding with the enquiry and passing final orders thereon, in the light of the proceedings of the 1st respondent dated 15.12.2020 and consequent proceedings of the 2nd respondent dated 28.12.2020 pending disposal of the criminal proceedings in Cr.M.P.No.1644 of 2021 on the file of the Judicial Magistrate, Paramakudi initiated for want of documents, which are vital to proceed with enquiry by the erstwhile enquiry officer, namely Ravichandran.



2.The petitioner was the Secretary of the Ramanathapuram District Public Works Department and Highways Department Employees Cooperative Thrift and Credit Society situated at Paramakudi. He was placed under suspension vide order dated 15.03.2021, with regard to the irregularities in the Society and also in contemplation of Section 81 enquiry through the second respondent herein.

3.According to the petitioner, without documents, the second respondent is proceeding with enquiry under Section 81 of the Tamil Nadu Co-operative Societies Act, 1961 (in short 'Act'). Under such circumstances, he has filed this writ petition seeking to forbear the second respondent to proceed with the enquiry under Section 81 of the Act.

4.Heard Mr.B.Prahalad Ravi, learned Counsel for the writ petitioner and Mr.M.Senthil Ayyanar, learned Government Advocate, who accepts notice on behalf of respondents.

5.On instructions, the learned Government Advocate appearing for the respondents would submit that the enquiry under Section 81 of the Act has been completed and a report has also been submitted on 03.02.2022. The said statement is recorded. He would also submit that there are three persons accused for the alleged irregularities and one of them is the petitioner. On instructions, he would further submit that the remaining two persons have already furnished documents, as sought for by the enquiry officer in Crl.M.P.No.1644 of 2021 on the file of the Judicial Magistrate, Paramakudi.

6.In that case, the learned counsel for the petitioner would submit that the second respondent enquiry officer will have to withdraw Crl.M.P.No.1644 of 2021 and for the said submission, the learned Government Advocate appearing for the respondents, on instructions, agrees to withdraw the said application. The said statement is recorded.

7.The learned counsel for the petitioner seeks liberty of this Court to challenge the enquiry report dated 03.02.2022 submitted by the second respondent under Section 81 of Act. The said statement is also recorded.

8.After recording the submissions made by the respective counsel, this Court directs the second respondent to withdraw Cr.M.P.No.1644 of 2021 on the file of the Judicial Magistrate, Paramakudi, within a period of two (2) weeks from the date of receipt of a copy of this order and liberty is granted to the petitioner to challenge the enquiry report dated 03.02.2022 in the manner known to him under law.



9. In terms of the above directions, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (AS)

WEB COPY

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

sm

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 Co-operative Societies,
Paramakudi,
Ramanathapuram District.

2. The Enquiry Officer,
Co-operative Sub Registrar / Field Officer,
Nainarkoil,
RR 1482-Ramanathapuram District -
Public Works Department and Highways,
Department Employees Co-operative Thrift & Credit Society Ltd.,
Paramakudi,
Ramanathapuram District.

Copy To:

The Judicial Magistrate, Paramakudi.

+1 CC to M/s.SPL GP (SR-7505[F] dated 21/02/2022)

+1 CC to M/s.B.PRAHALAD RAVI, Advocate (SR-7942[F] dated 22/02/2022)

W.P. [MD]No.3179 of 2022

18.02.2022

RD(01.03.2022) 3P 6C