



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.06.2022

CORAM:

THE HONOURABLE DR JUSTICE G.JAYACHANDRAN

W.P. (MD) No.10592 of 2022

and W.M.P (MD) No.7720 of 2022

WEB COPY

S.Ayyanar

... Petitioner

Vs.

1.The Government of Tamilnadu,
Rep. by its Additional Chief Secretary,
Co-operation, Food and consumer Protection
(CC1) Department,
Fort St.George, Chennai - 9.

2. The Registrar of Co-operative Societies,
No.170, NV Natarajan Maaligai,
Periyar EVR High Road,
Poonamallee High Road,
Kilpauk, Chennai - 600 010.

3. The Joint Registrar,
O/o the Joint Registrar of Co-operative Societies,
No.1, Meighnana Street, Tirunelveli,
Tirunelveli Region.

4. The Managing Director/Joint Registrar,
Tirunelveli District Central Co-operative Bank,
Tirunelveli.

5. O-1972 Uthumalai Primary Agricultural,
Co-operative Credit Society,
Rep. by its Secretary,
Uthumalai, V.K.Pudur Taluk,
Tenkasi District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus directing the respondents to furnish the copies of basic documents pertaining to the charges against the petitioner issued by the third respondent in Na.Ka.No.1326/2021/தொலை நான் 09.07.2021 based on the petitioner's representation dated 12.04.2022 and 26.04.2022 within the period stipulated by this Court and thereafter continue the enquiry against the petitioner.

For Petitioner	:	Mr.Ananth C.Rajesh
For Respondents	:	Mr..K.Balasubramani Special Government Pleader



O R D E R

The petitioner herein, former Secretary of the fifth respondent Society, is before this Court seeking mandamus directing the respondents to furnish the copies of basic documents pertaining to the charges against him framed by the third respondent vide proceedings dated 09.07.2021.

2. From the charges, it appears that the petitioner, who is being officiated as the Secretary, has misappropriated the fund of the Society to the tune of Rs.1,72,67,300/- (Rupees one Crore, seventy two Lakhs, sixty seven Thousand and three Hundred only), by falsifying crop loan document and jewel loan document. In this connection, he has been placed under suspension and charges have been framed against him and he was called for to participate in the enquiry initiated under Section 87 of the Tamil Nadu Co-operative Societies Act.

3. The learned counsel for the petitioner submits that on receipt of the charge memo, the petitioner participated in the proceedings and sought for basic documents, but, the Joint Registrar of Co-operative Societies, who is the third respondent herein, has not furnished the basic documents and therefore, he is not able to effectively participate in the enquiry.

4. Heard both sides and perused the materials available on record.

5. The copy of the representation of the petitioner herein seeking documents does not disclose the documents, which he required to meet the charges. It is very vague and without mentioning any specific documents, he has referred only as 'basic documents', whereas, the annexure to the charge memo indicates that the Department relied upon the report submitted under Section 82 of the said Act and the waiver list of crop loan and jewel loan, which was wrongly recommended by the petitioner. From the said annexure, it appears that the Department has not relied upon any other documents.

6. If a delinquent is relying upon any further document, he/she can very well get the said document by specifying its nature. A vague representation, seeking production of documents, by only mentioning as 'basic documents', may not be of any reasonable cause for the petitioner herein from abstaining from participating in the enquiry.

7. The learned Special Government Pleader representing the respondents states that at the request of the petitioner, enquiry was adjourned from time to time and it was adjourned to 19.05.2022, but, the petitioner failed to participate in the enquiry.



8. In the above said circumstances, this Court is of the view that the writ petitioner herein shall make his request for furnishing of copy of the documents, if any, with specific description within ten(10) days from the date of receipt of a copy of this order. On receipt of such request, appropriate response shall be made by the Enquiry Officer and enquiry shall commence from 30th June 2022. The petitioner herein is directed to participate in the enquiry on 30.06.2022 and thereafter.

9. In fine, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Vacation Officer/
Assistant Registrar (CO)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

CM/Ogy

To

- 1.The Additional Chief Secretary,
The Government of Tamilnadu,
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2. The Registrar of Co-operative Societies,
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Tirunelveli.



5.The Secretary,
O-1972 Uthumalai Primary Agricultural,
Co-operative Credit Society,
Uthumalai, V.K.Pudur Taluk,
Tenkasi District.

+1 CC to M/s.ANANTH C. RAJESH, Advocate (SR-24230[F]
dated 02/06/2022)

+1 CC to M/s.SPL.GP (SR-24261[F] dated 02/06/2022)

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gm (CO)

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