



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:11.03.2022

CORAM:

THE HONOURABLE **MR.JUSTICE S.M.SUBRAMANIAM**

W.P. (MD)No.11171 of 2021

and

W.M.P. (MD)Nos.3736 and 8751 of 2022

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The President,
A.507, Panagudi Primary Agri Co-Operative Credit Society,
Panagudi,
Tirunelveli District. ... Petitioner

Vs.

- 1.The Registrar of Co-operative Societies,
N.N.Natarajan Maaligai,
No. 170, Periyar EVR High Road,
Kilpauk, Chennai.
- 2.The Joint Registrar of Co-Operative Societies,
Palayamkottai,
Tirunelveli District.
- 3.The Deputy Registrar of Co-operative Societies,
Cheranmahadevi, Ambasamudram Taluk,
Tirunelveli District.
4. The President,
EE-440,
Kasthuri Rengapuram Primary Agricultural Co-Operative Society,
Kasthuri Rengapuram,
Tirunelveli District.
- 5.I.Sundaralingam ... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying this Court S-3. to issue a Writ of Certiorari or any other appropriate writ or direction, to call for the impugned order passed by the 2nd Respondent under Na.Ka.No. 1264/2015 Tho.Ve.Sa, dated 01.07.2021 and to quash the same as illegal.

For Petitioner : Mr.K.R.Laxman



For R1 to R4 : Mr.M.Ramesh,
Government Advocate.

For R5 : Mr.T.Sundaravadanam

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ORDER

The order passed by the second respondent directing the President of the Co-operative Society to reinstate the fifth respondent in proceedings dated 01.07.2021, is under challenge in the present writ petition.

2.The petitioner is the Co-operative Society Registered under the provision of Tamil Nadu Co-operative Societies Act. The fifth respondent viz., Mr.Sundaralingam, was an employee of the Co-operative Society filed a writ petition in W.P(MD)No.5673 of 2020 and this Court passed an order to consider the representation of the writ petitioner therein and pursuant to the said order, the Joint Registrar passed the impugned proceedings dated 01.07.2021 directing the President to reinstate the said Sundaralingam.

3.A perusal of the order reveals that no reason has been given for issuing such a direction to reinstate the said employee. An adjudication is required in such circumstances with reference to the disputed issues. The management of the Co-operative Society is raising objection regarding the reinstatement of the employee Mr.Sundaralingam. Therefore, the Joint Registrar has to conduct an enquiry under the provisions of the Act by providing an opportunity to all the parties and final orders to be passed by assigning reason for the decision to be taken. However, in the impugned order no reason has been given and the learned counsel for the petitioner states that no enquiry was conducted by affording an opportunity to the parties.

4.In view of the fact that, the order impugned has been passed without conducting any enquiry and without ascertaining the rights of the parties, this Court is inclined to remand the matter back. Accordingly, the order passed by the second respondent proceedings in Na.Ka.No. 1264/2015 Tho.Ve.Sa, dated 01.07.2021, is quashed and the matter is remanded back to the second respondent for conducting an elaborate enquiry by affording an opportunity to the parties concerned and pass a speaking order, within a period of 12 weeks from the date of receipt of a copy of this order. The parties are directed to cooperate for adjudication and early disposal of the proceedings. In the event of non cooperation, the same may be recorded by the authority concerned in the proceedings itself and in such circumstances, the parties are not entitled to claim any relief on the ground of delay.



5.With these directions, this Writ Petition is allowed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-I)

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/ /2022

Sub Assistant Registrar(CS)

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To

- 1.The Registrar of Co-operative Societies,
N.N.Natarajan Maaligai,
No. 170, Periyar EVR High Road,
Kilpauk, Chennai.
- 2.The Joint Registrar of Co-Operative Societies,
Palayamkottai,
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- 3.The Deputy Registrar of Co-operative Societies,
Cheranmahadevi, Ambasamudram Taluk,
Tirunelveli District.
4. The President,
EE-440,
Kasthuri Rengapuram Primary Agricultural Co-Operative Society,
Kasthuri Rengapuram,
Tirunelveli District.

+1 CC to M/s.SPL GP (SR-11869[F] dated 14/03/2022)

+1 CC to M/s.D.SENTHILKUMAR, Advocate (SR-12345[F] dated 15/03/2022)

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SB(CO)

TR(30.03.2022) 3P 7C