



W.P(MD)No.14748 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.12.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.14748 of 2019

and

W.M.P.(MD)No.11153 of 2019

P.Anandam

... Petitioner

Vs.

1. The Registrar of Co-Operative Societies,
O/o.Co Operative Societies,
Kilpauk, Chennai.
- 2.The Additional Registrar of Co-Operative Societies,
(Marketing, Planning and Development),
O/o.The Co-Operative Societies,
Kilpauk, Chennai.
- 3.The Joint Registrar of Co-Operative Societies,
Pudukkottai Region,
Pudukkottai.
- 4.The Deputy Registrar of Co-Operative Societies,
Aranthangi, Pudukkottai District.
- 5.The Co-Operative Sub Registrar,
Enquiry Officer,
M.M.574, Kattathi Primary Agriculture Co-Operative Credit Society,
Karambakudi Block, Pudukkottai District.

6. K.Selvaraju

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 1st respondent to consider the petitioner's representation dated 22.04.2019 and 27.05.2019 in accordance with law and thereby appoint some other enquiry officer not below the rank of Deputy Registrar of Co-Operative Societies instead of the 6th respondent to conduct U/s.81 enquiry in pursuance to the proceedings made in Na.Ka.No.10043/2019 Tha.Pu.Ku.1 dated 22.02.2019 of the 2nd respondent.

For Petitioner : Mr.P.R.Prithiviraj

For Respondents : Mr.A.Basakaran,
Govt. Advocate for R1 to R5.
No appearance for R6.

ORDER

Heard the learned counsel on either side.

2.The sixth respondent has issued summon dated 12.04.2019 to the petitioner herein calling upon the petitioner to appear for enquiry on 25.04.2019 at 11.00 am. The sixth respondent has been appointed as enquiry officer under Section 81 of the Tamilnadu Cooperative Societies Act. A reading of the summon would indicate that the sixth respondent proposed to enquire into the conduct of the writ petitioner as Field Officer of the fifth respondent society in the matter of crop loan waiver made in the year 2016. It is too well settled that the enquiry officer cannot be of the same rank as that of the person



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being enquired into. In the very nature of things, the enquiry officer will have to be the above rank of Cooperative Sub Registrar. That is the request made by the writ petitioner also. No exception can be taken to it. The third respondent is directed to appoint some other officer not below the rank of Deputy Registrar of Cooperative Societies.

3.The writ petition is allowed accordingly. No costs. Consequently, connected miscellaneous petition is closed.

14.12.2022

Index : Yes / No
Internet : Yes/ No
ias

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G.R.SWAMINATHAN, J.

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