



1

W.P.(MD)NO.3719 OF 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 08.12.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.3719 of 2019 and
W.M.P.(MD)No.2921, 2922 & 6440 of 2019 & 9978 of 2022

R.Umayapandi

... Petitioner

Vs.

1. The Joint Registrar Cooperative Societies,
Ramanathapuram District,
Ramanathapuram.
 2. The Deputy Registrar Cooperative Societies,
Paramakudi Circle, Paramakudi,
Ramanathapuram District.
 3. Cooperative Sub Registrar / Field Officer,
The Q1285, Kaavadipatti Primary
Agricultural Co-operative Credit Society,
Kaavadipatti, Kamuthi Taluk,
Ramanathapuram District.
 4. The Enquiry Officer / Co-operative Sub Registrar,
Field Officer, Kamuthi,
The Q1285, Kaavadipatti Primary
Agricultural Co-operative Credit Society,
Kaavadipatti, Kamuthi Taluk,
Ramanathapuram District.
 5. The Joint Registrar / Managing Director,
Ramanathapuram District Central Cooperative Bank,
Ramanathapuram.
- ... Respondents



Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records on the file of the second respondent enquiry report proceeding No. Nil dated 12.06.2018 under Section 81 of Tamil Nadu Cooperative Societies Act submitted by the fourth respondent pertaining to irregularities in The Q 1285, Kaavadipatti Primary Agricultural Cooperative Credit Society and quash the same as illegal and devoid of merits and direct the second respondent to order fresh enquiry on irregularities in selection of beneficiary list under agricultural loan waiver scheme for the year 2015-16.

For Petitioner : Mr.Raja Karthikeyan

For R-1 to R-4 : Mr.SRA.Ramachandran,
Additional Government Pleader.

For R-5 : Mr.D.Shanmugaraja Sethupathi

* * *

ORDER

Heard the learned counsel on either side.

2. This writ petition pertains to the affairs of the Q1285, Kaavadipatti Primary Agricultural Co-operative Credit Society. The allegation was that irregularities were committed



in the matter waiver of agricultural loans availed by the medium and small farmers, pursuant to the waiver scheme issued on 31.03.2016. In this regard, enquiry under Section 81 of Tamil Nadu Co-operative Societies Act 1983 was ordered. One Thiru.R.Madasamy, Co-operative Sub Registrar was appointed as the enquiry officer. He submitted his report. Based on the enquiry report, consequential action was also initiated. At this stage, this writ petition has been filed.

3. Interim stay was granted. To vacate the same, the respondents have filed counter affidavit.

4. The petitioner's counsel alleges that Thiru.Madasamy was very much associated with the team that identified the list of beneficiaries. This assertion made by the petitioner in his affidavit has not been controverted by the second respondent in the counter affidavit. In the very nature of things, the enquiry officer ought to be a person not associated with the transactions which constitute the subject matter of enquiry. That would certainly give an impression that there is bias. Taking into account the special facts and



circumstances of this case, particularly, violation of principles of natural justice, the enquiry report submitted by Thiru.Madasamy is set aside.

5. I make it clear that I have not interfered with the order directing to hold an enquiry under Section 81 of the Act. Since the proceedings have been stalled on account of the filing of this writ petition, the period consumed by the present writ proceedings will be excluded for the purpose of limitation. The matter is remitted to the file of the second respondent. The second respondent will appoint some other enquiry officer. The enquiry shall be concluded within a period of three months from the date of receipt of a copy of this order. This writ petition stands allowed. No costs. Consequently, connected miscellaneous petitions are closed.

08.12.2022

Index : Yes / No
Internet : Yes/ No

PMU



WEB COURT

- To:**
1. The Joint Registrar Cooperative Societies,
Ramanathapuram District,
Ramanathapuram.
 2. The Deputy Registrar Cooperative Societies,
Paramakudi Circle, Paramakudi,
Ramanathapuram District.
 3. Cooperative Sub Registrar / Field Officer,
The Q1285, Kaavadipatti Primary
Agricultural Co-operative Credit Society,
Kaavadipatti, Kamuthi Taluk,
Ramanathapuram District.
 4. The Enquiry Officer / Co-operative Sub Registrar,
Field Officer, Kamuthi,
The Q1285, Kaavadipatti Primary
Agricultural Co-operative Credit Society,
Kaavadipatti, Kamuthi Taluk,
Ramanathapuram District.
 5. The Joint Registrar / Managing Director,
Ramanathapuram District Central Cooperative Bank,
Ramanathapuram.



WEB COPY



6

W.P.(MD)NO.3719 OF 2019

G.R.SWAMINATHAN,J.

PMU

W.P.(MD)No.3719 of 2019

08.12.2022