



W.P.(MD)No.14812 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.07.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.14812 of 2022

and

W.M.P(MD)No.10593 of 2022

C.Prahaladhan

... Petitioner

Vs

1.The Joint Registrar of Cooperative Societies,
Madurai Region,
Madurai.

2.The Deputy Registrar of Cooperative Societies,
Usilampatty Circle at Thirumangalam,
Madurai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the records pertaining to the impugned order passed by the first respondent in Na.Ka.No.3006/2022/S pa dated 01.06.2022 and quash the same.

For Petitioner : Mr.C.Jeganathan

For Respondents : Mr.P.Thilak Kumar
Government Pleader



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ORDER

Heard the learned counsel on either side.

2. The writ petitioner is a President of a Cooperative Society. Invoking the power under Section 76(A) of the Tamil Nadu Cooperative Societies Act, 1983 the first respondent suspended the petitioner. The suspension order is put to challenge in this writ petition.

3. The learned counsel appearing for the writ petitioner took me through the averments set out in the petition.

4. I consciously refrain from going in to the factual aspects of the matter. The validity of the said provision has been upheld by the Hon'ble Division Bench in W.P.No.21652 of 2021 dated 07.10.2021. It has been held that the purpose of the said provision is to keep the delinquent official away when enquiry under Section 81 of the Tamil Nadu Cooperative Societies Act, 1983 is being conducted. I went through the contents of the impugned suspension order.

5. In my view, the enquiry under Section 81 of the Tamil Nadu Cooperative Societies Act, 1983 can very well be concluded within a period of



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three months. The period of six months appears to be little disproportionate.

Therefore, the period of suspension is modified and reduced to three months.

In other words, the impugned order will hold good till 01.09.2022.

6. With this modification, this writ petition is partly allowed.

Consequently, connected miscellaneous petition is closed. No costs.

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Index : Yes / No

Internet : Yes/ No

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G.R.SWAMINATHAN, J.

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