



W.P(MD)No.11551 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.07.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.11551 of 2018

and

W.M.P.(MD)Nos.10517 and 10518 of 2018

B.Indirani

... Petitioner

Vs.

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

2.The Deputy Registrar of Cooperative Societies,
Musiri Circle, Musiri,
Tiruchirappalli District.

3.The Cooperative Sub-Registrar/Enquiry Officer,
R.1594, Pilladurai Primary Agricultural
Cooperative Credit Society Ltd.,
Thathaiyangarpetti,
Musiri Taluk,
Tiruchirappalli District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned notice dated 10.05.2018 and 18.05.2018 issued by the 3rd respondent and quash the same and consequently forebear the respondents from conducting further enquiry under Section 81 of the Tamil



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Nadu Cooperative Societies Act in respect of the affairs of the R.1594, Pilladurai Primary Agricultural Cooperative Credit Society, Tiruchirappalli District on the same set of facts.

For Petitioner : Mr.D.Senthil

For Respondents : Mr.M.Senthil Ayyanar,
Govt. Advocate for R1 & R2
Mr.M.Sridharan for R3

ORDER

Heard the learned counsel on either side.

2.What is under challenge in this writ petition is only a enquiry notice issued under Section 81 of the Tamil Nadu Cooperative Societies Act. The learned counsel for the petitioner would state that the petitioner was already vexed with an enquiry under Section 81 of the Tamil Nadu Cooperative Societies Act and that therefore, a second enquiry on the same cause of action is not maintainable. The learned counsel relied on the order dated 22.07.2019 passed by me in W.P.(MD)No.13 of 2018 in this regard. No doubt the contentions of the learned counsel of the petitioner are attractive. But it is clarified by the learned Government Advocate as well as the learned counsel for the third respondent that the earlier enquiry under Section 81 of the Tamil Nadu



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Cooperative Societies Act pertained to the period 01.03.2013 to 31.03.2015

whereas the present enquiry is in respect of the period commencing from 01.04.2017 to 30.09.2017. In any event, what is under challenge is only a notice. The petitioner can as well appear before the enquiry officer and place her case. All the contentions of the petitioner are left open. I have not gone into the merits of the matter. The dismissal of this writ petition will not in any amount to foreclosing the defences of the writ petitioner.

3.The writ petition is dismissed with the aforesaid clarifications. No costs. Consequently, connected miscellaneous petitions are closed.

13.07.2022

Index : Yes / No
Internet : Yes/ No
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To:

- 1.The Joint Registrar of Cooperative Societies,
Tiruchirappalli Region,
Tiruchirappalli.
- 2.The Deputy Registrar of Cooperative Societies,
Musiri Circle, Musiri,
Tiruchirappalli District.



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G.R.SWAMINATHAN, J.

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