



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.06.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.8093 of 2017 and

W.M.P. (MD)No.6223 of 2017

WEB COPY

Ramachandran

... Petitioner

Vs.

1. The Joint Registrar Co-operative Societies,
Ramanathapuram District,
Ramanathapuram.

2. The Deputy Registrar Co-operative Societies,
Paramakudi Circle, Paramakudi,
Ramanathapuram District.

3. S.Balu,
Enquiry Officer,
Co-operative Sub Registrar,
Kamuthi Agricultural Production
Co-operative Sales Society,
Kamuthi,
Ramanathapuram District.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records on the file of the third respondent's enquiry notice vide proceeding No.Nil dated 05.04.2017 under Section 81 of Tamil Nadu Co-operative Societies Act and quash the same as illegal and devoid of merits.

For Petitioner	: Mr.Rajakarthikeyan
For Respondents	: Mr.M.Senthil Ayyanar Government Advocate

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O R D E R

Heard the learned counsel on either side.

2. The petitioner was issued with the impugned enquiry notice under Section 81 of the Tamil Nadu Co-operative Societies Act 1983. The petitioner's counsel points out that the enquiry officer S.Balu was the verification officer who finalised the list of beneficiaries. Such a person obviously cannot be an enquiry officer. The enquiry officer must be neutral. If he is already acquainted with the affairs to be enquired into, obviously that by itself would disqualify him.



3. The impugned communication is quashed only on the ground that the third respondent could not have been appointed as the enquiry officer. I make it clear that I am not interfering with the proceedings under Section 81 of the Act. It is always open to respondents 1 and 2 to proceed with the same.

4. This writ petition stands allowed to this extent. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS III)

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/06/2022

Sub Assistant Registrar(CS)

PMU

To:

1. The Joint Registrar Co-operative Societies,
Ramanathapuram District,
Ramanathapuram.
2. The Deputy Registrar Co-operative Societies,
Paramakudi Circle, Paramakudi,
Ramanathapuram District.

+1 CC to M/s.SPL.GP (SR-26132[F] dated 16/06/2022)

+1 CC to M/s.RAJA.KARTHIKEYAN, Advocate (SR-26246[F] dated 16/06/2022)

W.P. (MD)No.8093 of 2017
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