



WEB COPY



W.P. No. 2733 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.03.2023

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 2733 of 2020

and

W.M.P. No. 3179 of 2020

S.Palanisamy

... Petitioner

-VS-

1. The Special Officer,
Gundukkal Primary Agricultural Co-operative Credit Society,
Omalur, Salem District,

2. The Deputy Registrar,
Office of Registrar of Co-operative Societies,
Omalur Circle, Omalur,
Salem – 636 455.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the Second Respondent to provide copy of the unfurnished records requested through letters of the Petitioner dated 28.05.2019, 13.11.2019, 15.11.2019, 21.12.2019, 21.01.2020 within a time frame and further directing the Second Respondent to provide adequate opportunity to submit his written explanation thereafter.

For Petitioner : Mr. R.Tholgappian

For Respondents : Mr. B.Vijay,
Additional Government Pleader



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ORDER

Heard Mr. R.Tholgappian, Learned Counsel for the Petitioner, Mr. B.Vijay, Learned Additional Government Pleader appearing for the First and Second Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. The Petitioner against whom surcharge proceedings under Section 87 of the Tamil Nadu Co-operative Societies Act, 1983 (hereinafter referred to as 'the Act' for short) had been initiated, has filed this Writ Petition on 27.01.2020 seeking production of certain documents in his letter dated 28.05.2019, 13.11.2019, 15.11.2019, 21.12.2019, 21.01.2020 for defending himself in the matter.

3. The Second Respondent has filed Counter-Affidavit dated 22.09.2021 explaining the action taken regarding the documents sought by the Petitioner in the surcharge proceedings and it has been further brought to notice that a final order dated 22.01.2020 has already been passed even before the Writ Petition was taken on file on 04.02.2020 by the Court.



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4. Since an appeal lies against the said final order before the jurisdictional Co-operative Tribunal under Section 152 of the Act in which he could raise all contentions, the question of furnishing the documents sought by the Petitioner in the Writ Petition does not remain at this belated stage and the Petitioner cannot be now entitled to the relief sought in the Writ Petition.

In fine, the Writ Petition is dismissed with the aforesaid observations. Consequently, the connected Miscellaneous Petition is closed. No costs.

09.03.2023

skr

Index: Yes/No

Neutral Citation : Yes/No

Note: Issue order copy by 28.07.2023

To

1. The Special Officer,
Gundukkal Primary Agricultural Co-operative Credit Society,
Omalur, Salem District,
2. The Deputy Registrar,
Office of Registrar of Co-operative Societies,
Omalur Circle, Omalur,
Salem – 636 455.



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P.D. AUDIKESAVALU, J.

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