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W.P.No.3538 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **07.02.2023**

CORAM

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P.No.3538 of 2023
and
W.M.P.No.3591 of 2023

- 1.P.Shankar
- 2.M.Santhakumar
- 3.T.Murugan
- 4.L.Kannapiran
- 5.T.Bellie
- 6.A.Senthil Kumar
- 7.M.Sivalingan
- 8.P.Venkatesh
- 9.M.Srinivasan
- 10.S.Nagaveni
- 11.N.D.Mamtha
- 12.B.Kavithamani
- 13.Sasi Amalorpavam
- 14.Sillisai
- 15.N.Meena

... Petitioners

Vs.

1.The Joint Registrar of Cooperative Societies,
The Nilgiris Region,
Additional Collectorate,
Udhagamandalam - 643 006,
Nilgiris District.



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2. The Managing Director,
The Nilgiris Cooperative Enterprises Ltd.,
Udhagamandalam,
Nilgiris District.

... Respondents

PRAYER: Writ Petition has been filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records pertaining to the impugned show cause notice dated 19.12.2022 made in Na.Ka.No.4137/2022/A3 - on the file of the first respondent herein, quash the same.

For Petitioners : Mr.V.Rajesh

For Respondents : Mr.S.Ravi Kumar
Special Government Pleader
for R1

Mr.T.K.Saravanan
Government Advocate
for R2

ORDER

The petitioners have challenged the impugned show cause notice dated 19.12.2022, issued under Section 88 of the Tamil Nadu Cooperative Societies Act, 1983, on account of the alleged irregularities committed by the petitioners, who are the Office Bearers of the second respondent Society. Proceedings have been initiated against them under Section 88 of the



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Tamil Nadu Cooperative Societies Act, 1983 under the impugned show cause notice dated 19.12.2022.

2. The grievance of the petitioners is that eventhough, the petitioners have been requesting the respondents to furnish them with a copy of the enquiry report submitted under Section 81 of the Tamil Nadu Cooperative Societies Act, 1983, till date, the same has not been furnished and that is the reason as to why they have challenged the impugned show cause notice.

3. Mr.S.Ravi Kumar, learned Special Government Pleader, accepts notice on behalf of the respondent No.1 and Mr.T.K.Saravanan, learned Government Advocate accepts notice on behalf of the respondent No.2.

4. Learned Government Advocate appearing for the respondent No.2, would submit on instructions that the second respondent is willing to provide a copy of the enquiry report submitted under Section 81 of the Tamil Nadu Cooperative Societies Act, 1983 to the petitioners provided the petitioners cooperate with the enquiry proceedings initiated against them



under Section 88 of the Tamil Nadu Cooperative Societies Act, 1983 which deals with Supersession of Board.

5. Learned counsel for the petitioner would submit on instructions that the petitioners are willing to cooperate in the enquiry proceedings provided the respondents furnish a copy of the enquiry report submitted as per the provisions of Section 81 of the Tamil Nadu Cooperative Societies Act, 1983.

6. Since the respondents have undertaken to furnish a copy of the enquiry report submitted under Section 81 of the Tamil Nadu Cooperative Societies Act, 1983 to the petitioners, the question of interfering with the impugned show cause notice by this Court will not arise.

7. The petitioners on receipt of the enquiry report submitted under Section 81 of the Tamil Nadu Cooperative Societies Act, 1983 will have to submit their reply to the impugned show cause notice and participate in the enquiry proceedings and attend the enquiry as and when the respondents call them for the same.



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8. For the foregoing reasons, this Writ Petition is disposed of by directing the second respondent to furnish a copy of the enquiry report submitted under Section 81 of the Tamil Nadu Cooperative Societies Act, 1983 to the petitioners within a period of one week from the date of receipt of a copy of this order. On receipt of the said report, the petitioners shall submit a reply to the impugned show cause notice within a period of seven days thereafter. On receipt of the said reply, within the stipulated time, the respondents shall pass final orders on merits and in accordance with law after affording a fair hearing to the petitioners including granting them the right of personal hearing within a period of two months thereafter. No Costs. Consequently, the connected Writ Miscellaneous Petition is closed.

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Index : Yes/No
Speaking Order : Yes / No
Neutral Citation Case: Yes / No
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To

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The Nilgiris Region,
Additional Collectorate,
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2.The Managing Director,
The Nilgiris Cooperative Enterprises Ltd.,
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ABDUL QUDDHOSE. J.,

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**07.02.2023
(1/2)**