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W.P.No.6640 of 20__

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **03.03.2023**

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THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P.No.6640 of 2023 and W.M.P.No.6708 of 2023

G.N.Kamalanaban

... Petitioner

Vs.

The Registrar of Co-operative Societies (Housing),
No.48, Ritherton Road,
Veppery, Chennai – 600 007.

... Respondent

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus forbear the respondent from proceeding the disqualification notice under Section 36 of the Tamil Nadu Co-operative Societies Act in Na.Ka.No.193/2023/sa.pa2 dated 10.01.2023 without furnishing the copies of the documents requested by the petitioner's representations dated 23.01.2023 and 14.02.2023.

For Petitioner : Mr.M.S.Palaniswamy

For Respondent : Mr.S.Ravi Kumar,
Special Government Pleader

ORDER

This writ petition has been filed to forbear the respondent from proceeding with the disqualification notice, issued under Section 36 of the



Tamil Nadu Co-operative Societies Act in Na.Ka.No.193/2023/sa.pa2 dated

10.01.2023, without furnishing the copies of the documents, requested by the petitioner vide representations dated 23.01.2023 and 14.02.2023.

2.The grievance of the petitioner in this writ petition is that he has not been served with the documents, disclosed in the disqualification notice issued under Section 36 of the Tamil Ndu Co-operative Societies Act dated 10.01.2023. The petitioner is the Vice President of Chennai Metropolitan Co-operative Housing Society Limited. The respondent claims that on account of the petitioner's alleged irregularities committed in the Society, he is liable to be disqualified. The respondent has issued notice on 10.01.2023 under Section 36 of the Tamil Ndu Co-operative Societies Act seeking to permanently disqualify the petitioner from the Society. The petitioner contends that the documents reflected in the disqualification notice have not been furnished to him by the respondent. In such circumstances, the petitioner has given representations dated 23.01.2023 and 14.02.2023 requesting the respondent to furnish the documents. According to the petitioner, till date, the documents have not been furnished to him. In such circumstances, he has filed this writ petition.



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3.Heard Mr.M.S.Palaniswamy, learned counsel for the petitioner and Mr.S.Ravi Kumar, learned Special Government Pleader, who accepts notice on behalf of the respondent.

4.Learned Special Government Pleader appearing for the respondent has placed before this Court an acknowledgment, received from the petitioner in respect of Section 81 Enquiry Report.

5.Learned counsel for the petitioner submitted that apart from the Enquiry Report, there are other documents mentioned in the disqualification Notice dated 10.01.2023, which have not been furnished to the petitioner till date.

6.Learned Special Government Pleader appearing for the respondent on instructions would submit that those documents will also be furnished to the petitioner. The said undertaking given by the learned Special Government Pleader is recorded by this Court.



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W.P.No.6640 of 20__

7.No prejudice would be caused to any of the parties if a direction is issued to the respondent to furnish copies of the documents, disclosed in the disqualification notice dated 10.01.2023 to the petitioner within a time frame to be fixed by this Court.

8.For the foregoing reasons, this writ petition stands disposed of by directing the respondent to furnish copies of the documents, mentioned in the disqualification notice dated 10.01.2023 to the petitioner within a period of two weeks from the date of receipt of a copy of this order. Till the copies are furnished, the respondent is directed not to proceed further pursuant to the disqualification notice dated 10.01.2023. Only after furnishing the documents, the respondent can proceed further with the disqualification notice dated 10.01.2023, issued under Section 36 of the Tamil Nadu Co-operative Societies Act. No Costs. Consequently, the connected Miscellaneous Petition is closed.

03.03.2023

vga



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To

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ABDUL QUDDHOSE, J.

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