



WEB COPY



W.P.No.28714 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.08.2023

CORAM :

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

W.P.No.28714 of 2022

and

W.M.P.No.28010 of 2022

K.Govindarajan

... Petitioner

Vs.

1. Deputy Registrar of Co-operative Societies,
Tirupattur Circle, Tirupattur District.

2. The Management of C.1363, Kalanthira Chettiapannur
Primary Agricultural Co-operative Credit Society Ltd.,
Represented by its President, Kalanthira Chettiapannur,
Vaniyambadi Taluk, Tirupattur District.

3. Shanmugam
Enquiry Officer,
Office of the Deputy Registrar of Co-operative
Societies,
Tirupattur District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari to call for the entire records of the 1st respondent's proceedings in Na.Ka.No.1535/2019 Vay.Sa., dated 17.09.2019 and dated 17.06.2020 and quash the same.



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For Petitioner : Mr.P.Chandrasekar
For R1 and R3 : Mr.V.Jeevagiridharan
Additional Government Pleader
For R2 : Mr.P.S.Sivashanmugasundaram

ORDER

Challenging the enquiry under Section 81 of the Tamil Nadu Co-operative Societies Act, 1983, for certain irregularities said to have been caused by the petitioner to the Society, the present writ petition has been filed.

2.Heard the learned counsel for the petitioner, Mr.V.Jeevagiridharan, appearing for the respondents 1 and 3 and Mr.P.S.Sivashanmugasundaram, learned counsel, appearing for the 2nd respondent.

3.It is seen from records that this Court has entertained this writ petition and granted an order of stay, mainly on the ground that the enquiry has not been conducted within three months, as per the provisions of Section 81 of the Act. It is well settled that, so far as Section 81 of the Act is concerned, the period of three months contemplated therein is not



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mandatory, but only directory in nature. In the case on hand, the enquiry under Section 81 has not even culminated into surcharge proceedings under Section 87 of the Act. Even after initiation of surcharge proceedings, there is an appeal remedy available under Section 152 of the Act. Without exhausting the Appeal remedy under Section 152 of the Act and also the Appeal before the Tribunal, filing a writ petition before this Court in the guise of service matters, cannot be entertained. It is relevant to note that, only based on the enquiry under Section 81, surcharge proceedings will be normally initiated under Section 87 of the Act. When the matter has not even reached that level, it is very premature to approach this Court, challenging the very enquiry itself, by way of a writ petition, that too, under the pretext of service matters.

4. Therefore, this writ petition fails and accordingly, the same is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

08.08.2023

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Internet : Yes

Index : Yes / No

Neutral citation : Yes / No

Speaking order / Nonspeaking order

N. SATHISH KUMAR, J.



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- To
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Tirupattur Circle, Tirupattur District.
 - 2.The President,
Management of C.1363, Kalanthira Chettiapannur
Primary Agricultural Co-operative Credit Society Ltd.,
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