



WA(MD)No.377 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 05.04.2023

CORAM

The Honourable Mr. Justice **R.SUBRAMANIAN**
and
The Honourable Mrs. Justice **L.VICTORIA GOWRI**

WA.(MD)Nos.377 & 378 of 2023
CMP(MD) Nos.4137 & 4139 of 2023

- 1.Z-322 Tiruppuvanam Silk Handloom
Weavers Cooperative Society Limited,
Represented by its President,
G.Thiyagarajan
- 2.L.S.Jothi
Vice President,
Z-322 Tiruppuvanam Silk Handloom
Weavers Cooperative Society Limited,
34/64 Mela Veedhi, Tiruppuvanam
Thiruvadaimaruthur Taluk, Thanjavur District.
- 3.Ko.Ki.Bhaskar
Director, Z-322 Tiruppuvanam Silk Handloom
Weavers Cooperative Society Limited,
34/64 Mela Veedhi, Tiruppuvanam
Thiruvadaimaruthur Taluk
Thanjavur District.
- 4.R.Rajan
Director,Z-322 Tiruppuvanam Silk Handloom
Weavers Cooperative Society Limited,
34/64 Mela Veedhi, Tiruppuvanam
Thiruvadaimaruthur Taluk, Thanjavur District.



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5.M.Sekhar

Director

Z-322 Tiruppuvanam Silk Handloom
Weavers Cooperative Society Limited,
34/64 Mela Veedhi, Tiruppuvanam
Thiruvadaimaruthur Taluk
Thanjavur District.

6.S.Prema

Director

Z-322 Tiruppuvanam Silk Handloom
Weavers Cooperative Society Limited,
34/64 Mela Veedhi, Tiruppuvanam
Thiruvadaimaruthur Taluk
Thanjavur District.

7.J.V.Ambikavathy

Director,

Z-322 Tiruppuvanam Silk Handloom
Weavers Cooperative Society Limited,
34/64 Mela Veedhi, Tiruppuvanam
Thiruvadaimaruthur Taluk
Thanjavur District.

.. Appellants/Petitioners
in both writ appeals.

8.V.Narayanasamy

Director, Z-322 Tiruppuvanam Silk Handloom
Weavers Cooperative Society Limited,
34/64 Mela Veedhi, Tiruppuvanam
Thiruvadaimaruthur Taluk
Thanjavur District.

9.N.B.Nagendran

Director, Z-322 Tiruppuvanam Silk Handloom
Weavers Cooperative Society Limited,
34/64 Mela Veedhi, Tiruppuvanam
Thiruvadaimaruthur Taluk Thanjavur District.



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10.R.Varalakshmi

Director

Z-322 Tiruppuvanam Silk Handloom
Weavers Cooperative Society Limited,
34/64 Mela Veedhi, Tiruppuvanam
Thiruvadaimaruthur Taluk
Thanjavur District.

11.M.T.Vijayakumar

Ex-Director

Z-322 Tiruppuvanam Silk Handloom
Weavers Cooperative Society Limited,
34/64 Mela Veedhi, Tiruppuvanam
Thiruvadaimaruthur Taluk
Thanjavur District.

... Appellants/petitioners
in WA(MD) No.378/2023

Vs.

1.The State of Tamil Nadu

rep. by its Secretary to Government
Department of Cooperative and Handlooms
Fort St. George,
Chennai 09.

2.The Joint Director of Handlooms

Office of the Director of Handlooms and Textiles,
Chennai 600 018.

.. Respondents in
both writ appeals

3.The Assistant Director of Handlooms

Office of the Handloom Assistant Director
HB7 SIDCO Factory, Tiruppuvanam
Thanjavur District

... Respondent in
WA(MD) No.378/2023



WA(MD)No.377 of 2023

Writ Appeals are filed under Clause 15 of the Letters Patent against the order dated 25.01.2023 passed in WP(MD) Nos.27619&27620/2022.

For Appellants : Mr.K.P.S.Palanivelrajan
Senior counsel for
Mr.B.Jameelarasu

For Respondents : Mr.Veera Kathiravan
Additional Advocate General
assisted by
Mr.K.S.Selvaganesan
Government Advocate

COMMON JUDGMENT

[Judgment of the Court was delivered by **R.SUBRAMANIAN, J.**]

Being aggrieved by the order of the Writ Court, dated 25.01.2023 made in W.P(MD)Nos.27619 and 27620 of 2022, the appellants/writ petitioners are before this Court with these appeals.

2. The Writ Court has refused to interfere at this stage, since what is contemplated is only an enquiry. The writ Court has also redressed the complaint of the petitioner that the petitioners have not been supplied with the enquiry report under Section 81 of the Cooperative Societies Act, 1983



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(hereinafter referred to as 'the Act').

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4. Mr.K.P.S.Palanivelrajan, learned Senior counsel appearing for the petitioners, would contend that the very initiation of the 81 enquiry is flawed inasmuch as the order initiating enquiry under Section 81 is not a speaking order and he would rely upon Rule 104 of the Cooperative Society Rules to contend that the Registrar shall examine whether there is any need to hold an enquiry or make an inspection/investigation, as the case may be. He would also draw our attention to Section 81, which empowers the Registrar to direct an enquiry on his own motion. Relying upon the judgment of the Hon'ble Supreme Court in *Municipal Corporation of Greater Mumbai v. Ankita Sinha and others*, the learned Senior Counsel would attempt to project that to exercise *suo-motu* jurisdiction by the Registrar, it should be proceeded by an enquiry or the order must disclose a subjective satisfaction of the Registrar on the need to conduct an enquiry. We do not think that we can give such a narrow interpretation to the power conferred on the Registrar to order *suo-motu* enquiry under Section 81 of the Act. If the Registrar suspects that there are some irregularities, he can exercise the power under Section 81 and order a *suo-motu* enquiry.



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5. This Court has repeatedly held that Section 81 report is only a fact finding enquiry and further steps have to be taken based on such an enquiry. The writ Court has given the opportunity to the petitioners to raise all grounds when subsequent enquiry is initiated. We have also considered the said provision in W.A(MD) No.345 of 2023 in Arumuga Nainaar v. The Registrar of Cooperative Societies and others, wherein, we have affirmed the view of the writ Court. Hence, we do not find any reason to entertain these writ appeals. The writ appeals fail and the same are dismissed. No costs. consequently connected Miscellaneous Petitions are closed.

(R.S.M.,J.) (L.V.G.,J.)
05.04.2023

Index : Yes/No

Internet : Yes

RR

To

- 1.The Secretary to Government
Department of Cooperative and Handlooms
Fort St. George, Chennai 09.
- 2.The Joint Director of Handlooms
Office of the Director of Handlooms and Textiles,
Chennai 600 018.
- 3.The Assistant Director of Handlooms



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Office of the Handloom Assistant Director
HB7 SIDCO Factory, Tiruppuvanam, *Thanjavur District*

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and
L.VICTORIA GOWRI,J.

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