



W.P.(MD) No.8223 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.04.2023

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.P.(MD) No.8223 of 2023
and
W.M.P.(MD) Nos.7572 & 7573 of 2023**

T.Muthu Sankar

... Petitioner

-VS-

- 1.The Joint Registrar of Cooperative Societies
O/o.The Joint Registrar of Cooperative Societies
Kanyakumari Region
Nagercoil, Kanyakumari District
- 2.The Deputy Registrar of Cooperative Societies
Nagercoil Circle, Nagercoil
Kanyakumari District
- 3.The Cooperative Sub-Registrar /
Field Officer
Thovalai
Nagercoil Circle
Kanyakumari District

... Respondents



W.P.(MD) No.8223 of 2023

WEB

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorari calling for the records relating to the impugned order passed by the second respondent vide ந.க.701/2023 தொ.வே.ச. dated 06.03.2023 and quash the same.

For Petitioner : Mr.D.Shanmugaraja Sethuppathi

For Respondents : Mr.R.Baskaran
Additional Advocate General
assisted by Mr.S.Shanmugavel
Additional Government Pleader

ORDER

[Order of the Court was made by R.SUBRAMANIAN, J.]

Challenge in this writ petition is to the proceedings of the Deputy Registrar of Cooperative Societies, Nagarcoil, directing an inquiry into the affairs of Aralvaimozhi Primary Agricultural Co-operative Credit Society Limited, under Section 81 of the Tamil Nadu Co-operative Societies Act, 1983 (for brevity, “the Act”).

2. Section 81 of the Act authorizes the Registrar to order an inquiry with reference to the constitution, working and financial condition of a registered society or any alleged misappropriation, fraudulent retention of any



W.P.(MD) No.8223 of 2023

money or property, breach of trust, corrupt practice, or mismanagement in relation to the society.

3. Though the learned counsel for the petitioner would vehemently contend that no case has been made out for ordering inquiry, we do not think that we can entertain this writ petition at this stage.

4. Section 81(1) of the Act, which reads as follows:

“81. Inquiry.-(1) *The Registrar may, of his own motion and shall, on the application of a majority of the board or of not less than one-third of the members or on the request of the financing bank or of the District Collector, hold an inquiry, or direct some person authorised by him by order in writing in this behalf to hold an inquiry into the constitution, working and financial condition of a registered society or any alleged misappropriation, fraudulent retention of any money or property, breach of trust, corrupt practice, or mismanagement in relation to that society or into any particular aspect of the working of that society.”*

is wide enough to cover any situation and inquiry can be directed into the working and financial condition of a registered society or even a probable mismanagement. We, therefore, do not think that we can limit the scope of



W.P.(MD) No.8223 of 2023

the Section and require proof of certain financial irregularities to enable the Registrar to order an inquiry. Even the representation, that is submitted by the person authorized after conducting an inquiry under Section 81 of the Act, has been held to be only recommendatory and further action needs to be instituted. Hence, we do not find any merit in this writ petition.

5. The writ petition fails and the same is accordingly dismissed.

No costs. Consequently, connected miscellaneous petitions are closed.

[R.S.M., J.]

[L.V.G., J.]

11.04.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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To:

- 1.The Joint Registrar of Cooperative Societies,
O/o.The Joint Registrar of Cooperative Societies,
Kanyakumari Region,
Nagercoil, Kanyakumari District.
- 2.The Deputy Registrar of Cooperative Societies,
Nagercoil Circle, Nagercoil,
Kanyakumari District.



W.P.(MD) No.8223 of 2023

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3.The Cooperative Sub-Registrar /
Field Officer,
Thovalai,
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Kanyakumari District.



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W.P.(MD) No.8223 of 2023

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