



W.A.(MD) No.507 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.04.2023

CORAM:

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

**W.A.(MD) No.507 of 2023
and
C.M.P(MD) No.5201 of 2023**

R.S.837, Sivagangai District Consumers
Co-operative Wholesale Stores Ltd.,
Sivagangai,
Rep. by its President,
A.V.Nagarajan (under suspension),
Sivagangai.

... Appellant

-VS-

1. The Joint Registrar of Co-operative Societies,
Sivagangai Region, Sivagangai.
2. The Deputy Registrar,
Office of the Deputy Registrar of Co-operative Societies,
Sivagangai Circle, Sivagangai District.



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3. The Co-operative Sub Registrar/ Prosecution,
O/o.Deputy Registrar of Co-operative Societies,
Sivagangai, Sivagangai District.

... Respondents/
Respondents

Writ Appeal filed under Clause 15 of Letters Patent to set aside the order,
dated 28.03.2023, passed in W.P.(MD) No.5468 of 2022, on the file of this Court.

For Appellants : Mr.B.Saravanan, Senior Counsel
for M/s.C.Jeganathan

For Respondents : Mr.Veera Kathiravan
Additional Advocate General
assisted by Mr.R.Ragavendran
Government Advocate

J U D G M E N T

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

What was challenged before the Writ Court were the proceedings initiated under Section 81 of the Tamil Nadu Cooperative Societies Act, 1983 (for brevity “the Act”). The Writ Court has concluded that the enquiry under Section 81 of the Act being a fact finding enquiry, the initiation of the same cannot be challenged. Even the report filed after the conduct of enquiry under Section 81 of the Act has been held to be not conclusive and it will be open to the parties to



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challenge the findings if the Society initiates any further action under the penal provisions. Therefore, we do not think that we can entertain this writ appeal.

2. The writ appeal fails and it is accordingly dismissed. No costs.

Consequently, connected miscellaneous petition is closed.

[R.S.M., J.]

[L.V.G., J.]

21.04.2023

NCC : No
Index : No
Internet : Yes
PKN

To:

The Principal Secretary to Government,
Higher Education Department,
Secretariat, Chennai- 600 009.



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