



W.P.(MD).No.9994 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 26.04.2023

CORAM:

THE HONOURABLE MR.JUSTICE C.V. KARTHIKEYAN

**W.P.(MD).No.9994 of 2023
and W.M.P(MD).No.8771 of 2023**

P.Rajendran

... Petitioner

Vs.

**1.The Registrar of Cooperative Societies,
Tamil Nadu Housing Federation Buildings,
Rithidran Road, Veppari,
Chennai-7.**

**2.The Deputy Registrar of Cooperative
Societies (Housing),
Virudhunagar Region,
No.3, T.T.Road, Main Nagaram,
Virudhunagar-626 001.**

**3.R.Meenakshi Sundareswaran,
Co-operative Sub Registrar (Housing),
Paramakudi, Ramnad District.**

...Respondents



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PRAYER : Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, calling for the records of the impugned order passed by the first respondent vide Na.Ka.No.4622/2021/Sa.Pa.2 dated 06.01.2023 and quash the same.

For Petitioner : Mr.G.Murugan

For Respondents : Mr.S.Shanmuga Vel
Additional Government Pleader
for R1 and R2

ORDER

This Writ Petition has been filed in the nature of Certiorari, questioning the impugned order passed by the first respondent in Na.Ka.No.4622/2021/Sa.Pa.2 dated 06.01.2023.

2. The petitioner is the President of Tamil Nadu Public Servant Cooperative Building Society Limited. Consequent to various acts of omission and commission which had been alleged against him, an enquiry was conducted under Section 81 of the Tamil Nadu Cooperative Societies Act. The petitioner had immediately approached this Court and a learned Single Judge had passed an order on 08.01.2021 in



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W.P(MD).No.19728 of 2020, wherein, the first respondent was directed to make available copies of the documents sought for by the writ petitioner.

3. It is the grievance of the writ petitioner is that even without providing the copies of the documents, the enquiry had been completed and in the impugned order, notice had been issued to him.

4. What is questioned in the writ petition is a final notice issued for appearance of the petitioner to give necessary explanation. Notice had been issued on 06.01.2023 and a direction was given that the petitioner should appear before the first respondent within a period of 15 days from the date of receipt of the notice. Obviously, the petitioner had not appeared. The petitioner's grievance is that inspite of the earlier order, copies of the documents have not been given to him.

5. It is trite in law to point out that any enquiry under Section 81 of the Tamil Nadu Co-operative Societies Act is only a fact-finding enquiry. On the basis of that enquiry, no coercive action can be taken



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except to take a decision whether to initiate further action in the manner known to law. That is the enquiry which is now going to be held for which notice had been directed to the petitioner. An opportunity was granted by this Court to the petitioner that the writ petition may be kept pending and the petitioner may appear before the first respondent and file necessary representation seeking copies. However, the learned counsel appearing for the petitioner insisted that since the earlier order has not been complied with, the Court should pass final orders.

6. This Court cannot interfere with an on-going enquiry. The petitioner must necessarily appear before the first respondent. The petitioner may also file necessary application seeking copies. The first respondent may pass appropriate orders. The petitioner has no other option but to appear before the first respondent. The first respondent may therefore proceed with the enquiry in manner known to law and dispose of the same in accordance with the Rules and Regulations.



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7. Accordingly, this Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

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Index: Yes/No
Internet: Yes/No
ssb



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C.V. KARTHIKEYAN, J.

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