



WP(MD)No.17106 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 17.07.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP(MD).No.17106 of 2023 and
WMP(MD) No.14326 of 2023

Y-170 Thalakkanvilai Primary Agricultural Co-operative
Credit Society Ltd,
Mullankinavilai Post,
Killiyoor Taluk,
Kanyakumari District.
Rep by its President.

... Petitioner

Vs

- 1.The Regional Joint Registrar of Co-Operative Societies,
2nd Floor,
Collectorate Extension Building,
At Nagercoil,
Kanyakumari District.
- 2.The Deputy Registrar of Co-Operative Societies,
Thuckalay Circle,
Thuckalay Post,
Kanyakumari District.



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3.The Co-Operative Sub Registrar/81 Enquiry Officer,
Field Officer – Thiruvattar,
Deputy Registrar Office, Thuckalay,
Kanyakumari District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records relating to the impugned order passed by the second respondent in Na.Ka.No.433/2023/Tho.Ve.Sa, dated 05.07.2023 and quash the same as illegal and pass such further or other orders.

For Petitioner : Mr.N.S.Ponniah for
Mr.V.H.S.Prathap
For Respondents : Mrs.D.Farjana Ghoushia
Special Government Pleader

ORDER

The petitioner is the President of Y-170 Thalakkanvilai Primary Agricultural Co-operative Credit Society Ltd, Mullankinavilai Post, Killiyoor Taluk, Kanyakumari District has filed this writ petition, challenging the order of the second respondent dated 05.07.2023, in and by which, the second respondent/the Deputy Registrar of



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Co-Operative Societies, Kanyakumari District has directed the third respondent/ the Sub Registrar to conduct an enquiry on the affairs of the petitioner's Co-operative Credit Society, under Section 81 of the Tamil Nadu Co-operative Societies Act, 1983.

2.The learned counsel appearing for the petitioner by referring Section 81 of the Tamil Nadu Co-operative Societies Act, 1983 submits that an enquiry is ordered to be conducted by the Deputy Registrar, who is not the competent authority to pass such an order and that too based on an audit objection. According to the learned counsel, the audit objection is only with regard to the recovery of dues from the default borrowers. The Secretary, who is the full incharge of the affairs of the Society was also allowed to retire from service and the Deputy Registrar is now initiating action under Section 81 of the Tamil Nadu Co-operative Societies Act, 1983 and therefore, the impugned order is liable to be set aside. The learned counsel requests that a direction may



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be issued to the third respondent to conclude the enquiry within a stipulated time.

3.Mrs.D.Farjana Ghoushia, learned Special Government Pleader, who takes notice for the respondents submits that the Registrar has passed an order on *suo motu* for conducting an enquiry as contemplated under Section 81 of the Tamil Nadu Co-operative Societies Act, 1983 and that too with the powers delegated to him in the Government Order in G.O.No.(2D) No.108, Co-operation, Food and Consumer Protection Department, dated 11.08.2005, wherein, the powers of the Registrar have been delegated to the Deputy Registrar of Co-operative Societies, excepting certain provisions of law. With regard to the other ground raised by this petitioner that the Secretary has been allowed to retire from service and thereafter the enquiry was ordered, the learned Special Government Pleader submits that the Secretary has not been permitted to retire from service.



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4.This Court considered the rival submissions made and also perused the materials placed on record.

5.The Deputy Registrar, on the basis conferred upon him vide G.O.No.(2D) No.108, Co-operation, Food and Consumer Protection Department, dated 11.08.2005 has *suo motu* ordered for an enquiry under Section 81 of the Tamil Nadu Co-operative Societies Act, 1983 and that too based on the objections raised by the Audit Report of the year 2020-2021. This Court finds no infirmity in the order impugned in this writ petition.

6.In view of the above, this writ petition is dismissed. Insofar as the request of the petitioner with regard to the direction to the third respondent to conclude the enquiry within a stipulated time is concerned, this Court is not inclined to pressurize the third respondent/the Sub Registrar to conclude the enquiry within a



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stipulated time. Let the Sub Registrar, Thuckalay, Kanyakumari shall conduct the enquiry thoroughly and file a report as expeditiously as possible. No costs. Consequently, connected Miscellaneous Petition is closed.

17.07.2023

NCC : Yes / No.

Index : Yes / No.

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- 3.The Co-Operative Sub Registrar/81 Enquiry Officer,
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B.PUGALENDHI, J.

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Order made in
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