



W.P(MD)No.5702 of 2015

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.08.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.5702 of 2015

and

M.P(MD)Nos.2 & 3 of 2015

M.Marinathan @ Malairaj

... Petitioner

Vs

- 1.The Joint Registrar of Co-operative Societies,
Department of Co-operative Society,
Collectorate Complex,
Ramanathapuram.
- 2.The Deputy Registrar of Co-operative Societies,
Department of Co-operative Society,
Paramakudi,
Ramanathapuram.
- 3.The Sub Registrar of Co-operative Societies /
Enquiry Officer,
O/o. The Deputy Registrar of Co-operative Societies,
Department of Co-operative Society,
Paramakudi,
Ramanathapuram.
- 4.The District Collector,
Ramanathapuram District,
Ramanathapuram.

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the records of the passed by the first respondent vide first respondent in Na.Ka.No.2474 of 2013 Ka.Va. dated 27.03.2015 and consequential Enquiry notice issued by the third respondent in Proceedings No. Nil dated 04.04.2015 and quash the same as illegal.

For Petitioner : Mr.S.C.Herold Singh

For Respondents : Mr.D.Gandhiraj
Special Government Pleader

ORDER

Heard both sides.

2. What is under challenge is a mere enquiry notice. It does not by itself affect the rights of the petitioner. Unless it is demonstrated that the notice is without jurisdiction or it has been issued with predetermination or it is otherwise suffering from *mala fides*, the writ Court will not be justified in interfering. In this case, the authorities have received complaints of malpractice. They want to enquire the petitioner. Therefore, this notice has been issued. The authorities have not decided that the petitioner is at fault. It is not the case of the petitioner that the authorities are not competent to conduct the enquiry. No case for interference is made out. It is open to the third respondent to issue fresh enquiry notice to the petitioner.



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3. Leaving open all the contentions and defences of the petitioner, this writ petition stands dismissed. There shall be no order as to costs.

Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

16.08.2023

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

To

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- 2.The Deputy Registrar of Co-operative Societies,
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