



W.P(MD)No.27641 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 14.12.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.27641 of 2022

and

W.M.P.(MD)Nos.21752 and 21755 of 2022

C.Kosalai

... 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,
O/o. The Deputy Registrar of Cooperative Societies,
Nagercoil, Kanyakumari District.

3.The Enquiry Officer,
Cooperative Sub-Registrar / Development Officer,
Integrated Cooperative Development Project,
Nagercoil, Kanyakumari District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the Impugned inquiry report dated 13.05.2021 submitted by the 3rd respondent and quash the same so far as



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the finding and recommendation made in page Nos.49 and 50 of the inquiry report in respect of initiating disqualification proceeding against me under section 36 of the Tamil Nadu Cooperative Societies Act and consequently forbearing the 1st and 2nd respondents from any way interfering with the function as President of Y.330, Parakkai Primary Agricultural Cooperative Credit Society Ltd.

For Petitioner : Mr.D.Shanmugaraja Sethupathi

For Respondents : Mr.S.RA.Ramachandran,
Addl. Government Pleader.

ORDER

Heard both sides.

2.The petitioner challenges the enquiry report issued under Section 81 of the Tamil Nadu Cooperative Societies Act, 1983. A report is normally not amenable to challenge. Only the consequential action can be questioned. However, in this case, the only allegation made against the petitioner is that instead of collecting Rs.10,000/- as EMD, only a sum of Rs.5,000/- was collected while conducting jewel auction. Though two of the directors of the Board have to sign the minutes, no such signature could be seen in the records. It is further seen that as a



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result, the society was not put to any loss. In fact the successful bidder deposited the entire amount. Since the nature of allegations is not serious and since no loss was caused to the society, even while not interfering with the findings set out in the report, the respondents are restrained from initiating any consequential action against the petitioner on the basis of the impugned report.

3.This writ petition is disposed of with the aforesaid direction. No costs. Consequently, connected miscellaneous petitions are closed.

14.12.2023

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,
O/o. The Deputy Registrar of Cooperative Societies,
Nagercoil, Kanyakumari District.

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3.The Enquiry Officer,
Cooperative Sub-Registrar / Development Officer,
Integrated Cooperative Development Project,
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