



WEB COPY



W.P. No. 4808 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.03.2024

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 4808 of 2024

and

W.M.P. No. 5239 of 2024

G.Mugunthan

... Petitioner

-VS-

1. The Registrar of Co-operative Societies (Housing),
Tamil Nadu Co-operative Housing Federation,
No. 48, 2nd Floor, Ritherdon Road,
Vepperi,
Chennai – 7.
 2. The Deputy Registrar of Cooperative Societies (Housing),
Chennai Regional Office,
Medavakkam Tank Road,
Kellys, Chennai – 600 010.
 3. The Senior Inspector/Enquiry Officer,
Office of the Deputy Registrar of Cooperative Societies (Housing),
Chennai Regional Office,
Medavakkam Tank Road,
Kellys, Chennai – 600 010.
- ... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorari, call for the records pertaining to the impugned notice dated 05.02.2024 issued by the Third Respondent under Section 81 of the T.N.Co-operative Societies Act, 1983 to the Petitioner and quash the same.



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For Petitioner : Mr. Arvind Pandian,
Senior Counsel
for Mr. Karthikeyan Anbazhagan

For Respondents : Mr. A.M.Ayyadurai

ORDER

Heard Mr. Arvind Pandian, Learned Senior Counsel appearing for the Petitioner and Mr. A.M.Ayyadurai, Learned Counsel, who takes notice for the Respondents, and perused the materials placed on record, apart from the pleadings of the parties.

2. The Petitioner, who has been served with the notice dated 05.02.2024 for an enquiry under Section 81 of the Tamil Nadu Co-operative Societies Act, 1983 (hereinafter referred to as the TNCS' Act for short), has challenged it in this Writ Petition.

3. It would be evident on a plain reading of Section 81 of the TNCS Act that it is merely a fact finding enquiry and the conclusions arrived in it, by itself, cannot entail adverse civil consequences to any person, though its report may be the basis for taking further action in the manner prescribed by law. In other words, the mere initiation of enquiry under Section 81 of the TNCS Act



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or calling any person to appear in such enquiry, cannot be treated as causing any prejudice to the Petitioner in this case. In such circumstances, this Court is not inclined to delve into the merits of the controversy involved by entertaining this Writ Petition at a pre-mature stage of the matter.

4. Learned Counsel for the Respondents, on instructions, states that the next date of hearing of the enquiry has been fixed at 10.30 a.m. on 11.03.2024 and Learned Senior Counsel appearing for the Petitioner informs that the Petitioner would appear on the said date and inform that he had not been handed over any of the records when he had taken charge from the Ex-Administrator of Bharathi Co-operative Building Society Limited No. X-77, which he has been earlier asked to produce and substantiate that claim with supporting materials. The said submissions made are placed on record.

In fine, the Writ Petition is disposed with the aforesaid observations. Consequently, the connected Miscellaneous Petition is closed. No costs.

01.03.2024

Index: Yes/No

NCC: Yes/No

Note: Issue order copy by 22.05.2024.

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P.D. AUDIKESAVALU, J.

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