



W.P.No.11485 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.04.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P. No.11485 of 2024

Chitra

... Petitioner

Vs.

1. The Deputy Registrar of Co operative Societies,
Tiruchengode Region,
Thiruchengode,
Namakkal District.
2. The President,
S.301, Chinnamali Primary Agricultural,
Co-operative Credit Society Limited,
Chinnamanali Post,
Thiruchengode Taluk,
Namakkal District – 637 410.
3. The Inspector of Police,
Elachipalayam Police Station,
Tiruchengode Taluk,
Namakkal District.
4. Pappathi
5. Periyasamy

... Respondents



W.P.No.11485 of 2024

Prayer: Writ Petition is filed under Article 226 of Constitution of India, for issuance of writ of Mandamus, directing the respondents 1 to 3 to take necessary action against the respondents 4 and 5 based on the representation of the petitioner dated 11.03.2024 and implement the proceedings of the first respondent in Na.Ka.No. 1280/2021/Thovesa dated 07.09.2021, within stipulated time may be fixed by this Court.

For Petitioner	: Mr.R. Murugabharathi
For R1	: Mrs.P.Vijaya Devi, Government Advocate
For R2	: Mr.C.Sathish Government Advocate
For R3	: Mr.S.Vinoth Kumar Government Advocate (Crl.Side)

ORDER

The writ petition has been instituted to direct the respondents 1 to 3 to take necessary action against the respondents 4 and 5 based on the representation of the petitioner dated 11.03.2024 and implement the proceedings of the first respondent in Na.Ka.No. 1280/2021/Thovesa dated 07.09.2021.



W.P.No.11485 of 2024

2. The petitioner states that she is working as Administrator in Chinnamanali Primary Agricultural Co-operative Credit Society Limited. The Co-operative Society is registered under the provisions of Tamil Nadu Co-operative Societies Act, 1983.

3. The respondents 4 and 5 borrowed loan from the Society and committed default in repayment and action was initiated.

4. Mr.S.Vinoth Kumar, learned Government Advocate (Crl.Side) appearing on behalf of the 3rd respondent would submit that the loan dues were already recovered from the respondents 4 and 5. Therefore, no further action may not be required.

5. However, the respective learned Counsels appearing on behalf of the respondents 1 and 2/society made a submission that certain fraudulent transactions were noticed in the matter of grant of loan to the members. Therefore, further actions are initiated to prosecute the persons, who all are responsible and accountable for such fraudulent activities in dealing with the Society funds.



W.P.No.11485 of 2024

6. Since the facts made between the parties are not clear, this Court is of the considered opinion that a Statutory Enquiry under Section 81 of the Tamil Nadu Co-operative Societies Act is to be undertaken for the purpose of finding the facts regarding all the allegations. Based on the Final Report under Section 81 of the Act, all further actions including surcharge proceedings, disciplinary proceedings and criminal prosecution CCIW are to be initiated. Since several allegations are raised, this Court cannot conduct a roving enquiry in the present writ petition. *Per contra*, the competent Authorities can conduct an enquiry under Section 81 of the Act and submit a Report, which would be the basis for all further actions to be initiated by following due process.

7. Thus, the 1st respondent is directed to order a Statutory Enquiry under Section 81 of the Tamil Nadu Co-operative Societies Act, 1983 and on receipt of Enquiry Report, initiate all further actions, if required and by following the due process of law.



W.P.No.11485 of 2024

8. With these directions, the Writ Petition stands **disposed of**. No costs.

26.04.2024

Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No
veda
To

1. The Deputy Registrar of Co operative Societies,
Tiruchengode Region,
Thiruchengode,
Namakkal District.
2. The President,
S.301, Chinnamali Primary Agricultural,
Co-operative Credit Society Limited,
Chinnamanali Post,
Thiruchengode Taluk,
Namakkal District – 637 410.
3. The Inspector of Police,
Elachipalayam Police Station,
Tiruchengode Taluk,
Namakkal District.

S.M.SUBRAMANIAM,J.



WEB COPY



W.P.No.11485 of 2024

veda

W.P. No.11485 of 2024

26.04.2024