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W.A.No.461 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.06.2024

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

W.A.No.461 of 2021

and

C.M.P.No.1823 of 2021

R.S.Bharathi

... Appellant

Vs.

- 1.Nanganallur Cooperative Housing Societies,
Rep. by its President,
Mr.V.Barani Prasad,
The President,
Nanganallur Co-operative Building Society,
No.12, First Main Road, Nanganallur,
Chennai – 600 061.
- 2.Chief Secretary,
Department of Housing and Urban Development,
Secretariat, George Town, Chennai – 600 009.
- 3.Registrar,
Co-operative Societies (Housing),
Tamil Nadu Co-operative Housing
Federation Campus (II Floor),
No.48, Ritherdon Road,
Vepery, Chennai – 600 007.



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4. Deputy Registrar,
Co-operative Societies (Housing),
No.18, Varadarajanar Street,
Vedachalam Nagar,
Chengalpattu.

... Respondents

Prayer: Writ Appeal filed under Clause 15 of Letters Patent to set aside the final order dated 14.08.2020 passed in W.P.No.10635 of 2020, on the file of this Court.

For Appellant	: Ms.Shalini.E For M/s.P.Wilson Associates
For R1	: Mr.N.Manokaran
For R2	: Mr.D.Gopal Government Advocate
For R3 & R4	: Mr.S.Ravikumar Special Government Pleader [For Co-operative Society]

J U D G M E N T

[Judgment was delivered by **S.M.SUBRAMANIAM, J.**]

The order dated 14.08.2020 passed in W.P.No.10635 of 2020 is sought to be set aside in the present writ appeal instituted by the Former



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President of Nanganallur Co-operative Housing Society.

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2. Based on the fact finding inspection report under Section 82 of the Tamil Nadu Co-operative Societies Act, 1983 surcharge proceedings were initiated under Section 87 of the Act. Notice under Sub Section (1) to 87 was issued on 27.01.2004. However, no final order has been passed under Section 87 of the Act on account of various reasons.

3. The 1st respondent / Nanganallur Co-operative Housing Society filed the writ petition for a mandamus to direct the Deputy Registrar of Co-operative Societies (Housing), Chengalpattu to expeditiously complete the surcharge proceedings initiated in TT.No.10 of 2003 E.

4. The learned Single Judge issued a direction to the 3rd respondent to complete enquiry proceedings and pass final orders within a period of eight weeks from the date of receipt of a copy of the order.

5. Ms.E.Shalini, learned counsel for the petitioner vehemently contended that the direction issued by the learned Single Judge would offend



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the rights of the parties. Such an argument is untenable in view of the fact that the authorities are bound to afford opportunity during the course of enquiry.

6. We do not find any reason to interfere with the order, since the Writ Court has issued a direction to follow due process complete the enquiry and pass final orders. All the grounds raised between the parties including legal issues can be decided by the 3rd respondent, since he is exercising the quasi-judicial powers under the Tamil Nadu Co-operative Societies Act.

7. The competent authority is bound to follow the procedures as contemplated under Section 87 of the Act and complete the proceedings by affording opportunities to all the parties and pass final orders. Due to pendency of the writ appeal no final order has been passed. Thus, we are inclined to direct the 3rd respondent to complete the proceedings and pass orders within a period of three (3) months from the date of receipt of a copy of this order.



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8. With the above directions, the Writ Appeal stands disposed of.

Consequently, connected Miscellaneous Petition is closed. However, there shall be no order as to costs.

[S.M.S., J.] [C.K., J.]
04.06.2024

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Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation : Yes / No

To

1.The Chief Secretary,
Department of Housing and Urban Development,
Secretariat, George Town, Chennai – 600 009.

2.The Registrar,
Co-operative Societies (Housing),
Tamil Nadu Co-operative Housing
Federation Campus (II Floor),
No.48, Ritherdon Road,
Vepery, Chennai – 600 007.

3.The Deputy Registrar,
Co-operative Societies (Housing),
No.18, Varadarajanar Street,
Vedachalam Nagar,
Chengalpattu.



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S.M.SUBRAMANIAM, J.
and
C.KUMARAPPAN, J.

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