



WEB COPY



W.P.No. 10089 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.01.2024

CORAM

THE HONOURABLE MR.JUSTICE BATTU DEVANAND

W.P.No. 10089 of 2017

and

W.M.P.No. 11073 of 2017

C. Selvaraj

... Petitioner

Vs.

1.The Joint Registrar of Cooperative Societies,
Salem Region,
District Court Complex,
Salem – 636 007.

2.The Deputy Registrar of Cooperative Societies,
Omalur Circle,
Omalur,
Salem District.

3.The President,
Nangavalli Primary Agricultural Cooperative
Credit Society Ltd., S. 777,
Nangavalli,
Salem District.

4.S. Syed Khadar,
Enquiry Officer /
Cooperative Sub Registrar,
Nangavalli Primary Agricultural Cooperative
Credit Society Ltd., S. 777,
Nangavalli,
Salem District.

... Respondents



W.P.No. 10089 of 2017

Writ petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the respondents 1 and 2 to change the fourth respondent / Enquiry Officer and substitute someone to conduct an enquiry under Section 81 of the Tamilnadu Cooperative Societies Act, 1983 in a fair and impartial manner pursuant to the enquiry notice dated 13.03.2017, by considering petitioner's representation dated 22.03.2017.

For Petitioner : Mr. N. Manokaran

For Respondents : Mrs. L. Sangamithirai, for R1 to R3
Special Government Pleader

ORDER

This Writ Petition has been filed seeking a direction to the respondents 1 and 2 to change the fourth respondent as Enquiry Officer and substitute someone to conduct an enquiry under Section 81 of the Tamilnadu Cooperative Societies Act, 1983 in a fair and impartial manner by considering the representation dated 22.03.2017 of the petitioner.

2. On behalf of the respondents 1 and 2 counter affidavit has been filed.

3. The case of the petitioner is that the fourth respondent who was appointed as Enquiry Officer had colluded with the staff of the society and tried to frame him with criminal motives, as such, he has submitted representation to the respondents 1 and 2 to change the fourth respondent as Enquiry Officer and to



substitute some other person. As the said representation is not considered, he approached this Court by filing this writ petition.

4. In the counter affidavit, it is stated that the fourth respondent concluded enquiry and submitted his report on 09.05.2017 and on the basis of the said report, surcharge proceedings are taken against the petitioner and others and final order was passed on 09.07.2018. It is also stated in the counter affidavit that criminal proceedings are also taken against the petitioner and others in C.C.No.2 of 2017 by the CCIW of the Police.

5. The learned Government Pleader appearing for the respondents submit that as the enquiry itself has been concluded and civil and criminal action have been taken against the petitioner and others, this writ petition has become infructuous and sought to dismiss the writ petition.

6. Having heard the submissions of the respective counsels and upon careful materials available on record, it appears that the enquiry is completed by 09.05.2017 and final order was passed on 09.07.2018. In the present writ petition, the relief sought is only to change the Enquiry Officer. As already enquiry is completed and report is submitted and based on the report, final order in surcharge



W.P.No. 10089 of 2017

proceeding is passed on 09.07.2018, in my considered view, nothing survives in this writ petition. Accordingly, it is liable to be dismissed as infructuous.

7. Accordingly, this Writ Petition is dismissed as infructuous. However, the petitioner is at liberty to ventilate his grievance available under law against the order passed in surcharge proceedings, if so advised.

8. There shall be no order as to costs.

9. Consequently, connected miscellaneous petition is closed.

10.01.2024

Index :Yes/No

Neutral Citation :Yes/No

AT

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BATTU DEVANAND, J.

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