



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.11.2024

CORAM

THE HON'BLE Mr. JUSTICE **C.V.KARTHIKEYAN**

W.P.No.6335 of 2017

and

W.M.P.No.6832 of 2017

F.V.15, Naduvanandhal Primary
Agricultural Co-operative Credit Society Ltd.,
Rep. by its President,
Naduvanandhal, Tindivanam Taluk,
Villupuram District.

.. Petitioner

Vs.

The Deputy Registrar of Co-operative Societies,
Tindivanam Circle,
Tindivanam,
Villupuram District.

.. Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records of the two notices same number issued by the respondent in Na.Ka.No.710/2016.ku.na dated 24.01.2017 and consequential enquiry notice dated 28.02.2017 and to quash the same.

For Petitioner .. Mr.S.Kamadevan

For Respondent .. Mr.S.Ravikumar,
Special Government Pleader.



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ORDER

This writ petition has been filed by the Naduvanandhal Primary Agricultural Co-operative Credit Society Ltd., represented by its President, T.Ananthan, who was the president on the date of filing of the writ petition in the year 2017 in the nature of Certiorari, calling for the records of notice issued by the Deputy Registrar of Co-operative Societies, Tindivanam, Villupuram District dated 24.01.2017 in Na.Ka.710/2016.ku.na and also the enquiry notice dated 28.02.2017 and quash both.

2. There has been much change in the administration of the society and it is stated on behalf of the respondent that the society is now running by an administrator and that the deponent of the affidavit, T.Ananthan who claimed to be the president at the time of filing of the writ petition is no longer the president.

3. The entire issue arose with the appointment of one V.Velliyangiri as Assistant Secretary of the said society. It is claimed that he had no right to be so appointed and therefore, he was reverted back to his original position.



Claiming his salary, which had been paid to him during that period when he discharged duty as Assistant Secretary, originally, a show cause notice was issued to the said Velliyangiri asking him as to what capacity he functioned as Assistant Secretary. Yet another show cause notice dated 24.01.2017 which is impugned in this particular writ petition issued not only to the petitioner, but to all the Board of Directors asking them to refund the amount of Rs.11,375/- which was the salary drawn by Velliyangiri, while functioning as Assistant Secretary. .

4.An objection had been raised regarding maintainability of the writ petition, since the deponent of the affidavit is no longer the president and the impugned notice is only a show cause notice to which the writ petitioner could very well reply and seek further orders to be passed by the respondent in accordance with law.

5.The statement on behalf of the respondent that the impugned order is only a show cause notice is correct. The petitioner should have given a reply claiming that he cannot be independently held responsibility for the salary paid to the said Velliyangiri during the period when he functioned as



Assistant Secretary, since admitted he had functioned as Assistant Secretary for that particular period.

6. At any rate, a statement is made across the bar on behalf of the respondent that the amount of Rs.11,375/- had been paid by Velliyangiri and therefore, the relief sought in the writ petition itself need not be adjudicated.

7. Recording the statement on behalf of the respondent, and since the only grievance raised by the petitioner is that the sum of Rs.11,375/- should not be directed to be paid by the petitioner in his capacity as president, and since the said amount had already been paid, no further directions or orders are required in the writ petition.

8. With the above observation, this Writ Petition stands disposed of. No costs. Consequently, connected Writ Miscellaneous Petition is closed.

04.11.2024

Index: Yes/No
Internet: Yes/No
smv



To
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The Deputy Registrar of Co-operative Societies,
Tindivanam Circle,
Tindivanam,
Villupuram District.



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C.V.KARTHIKEYAN,J.

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