



W.P.No.31589 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.10.2024

CORAM

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.31589 of 2024

and

W.M.P.Nos.34332 to 34334 of 2024

1.V.Moorthy

2.R.Karunakaran

.... Petitioners

Vs

1.The Registrar of Co- Operative Societies,
No.170, N.V.N. Maligai,
Kilpauk, Chennai- 10.

2.The Deputy Registrar of Co- Operative Societies,
Krishnagiri Circle,
Krishnagiri.

3.P.Kalpana
The Co- Operative Sub Registrar /
Enquiry Officer,
U/S.81 of the TNCS Act.
D.K. 137, Krishnagiri District,
Primary Agricultural Co- Operative Credit Society
Employees Co- Operative Thrift and Credit Society,
No.141/33 Gandhi Nagar,
2nd Cross, Krishnagiri- 01.



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4. D.K.137, Krishnagiri District
Primary Agricultural Co- Operative Credit Society
Employees Co- Operative Thrift and Credit Society,
Rep by its Administrator,
No.141/33 Gandhi Nagar,
2nd Cross, Krishnagiri- 01.

.... Respondents

Prayer:- Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Certiorarified Mandamus, calling for the records of the proceedings of the 2nd respondent in Na.Ka. No. 869 / 2024 tha.va dated 15.04.2024 quash the same and direct the 1st respondent to appoint the enquiry officer not below the rank of Joint Registrar of Co- Operative Societies under Section 81 of the Tamil Nadu of the Cooperative societies Act into the affairs of the 4th respondent society.

For Petitioner	: Mr.M.S.Palanisamy for Mr.V.Ravichandran
For R1 to R3	: Mr.P.Ganesan Government Advocate
For R4	: Mr.K.Tamilvendan Government Advocate

ORDER

This Writ Petition has been filed challenging the order passed by the second respondent dated 15.04.2024, thereby appointing the third respondent as Enquiry Officer to conduct enquiry under Section 81 of the Tamil Nadu Co-operative Societies Act.



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2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. The petitioners were working as President and Secretary of the fourth respondent. On the complaint, the third respondent conducted a preliminary enquiry and submitted a report. After perusing the preliminary enquiry report, the second respondent ordered an enquiry to be conducted by the third respondent under Section 81 of the Tamil Naduc Co-operative Societies Act.

4. The learned counsel for the petitioner would submit that the third respondent only conducted a preliminary enquiry and submitted a report. On the basis of the preliminary enquiry, the second respondent has now ordered an enquiry under Section 81 of the Tamil Nadu Co-operative Societies Act. The second respondent cannot appoint the third respondent as Enquiry Officer, who conducted a preliminary enquiry and submitted a report.



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5. The circular issued by the Registrar of Co-operative Societies, viz., the first respondent, is clearly states that a serving officer of the Department, not below the rank of CSR, may be appointed to conduct an enquiry under Section 81 or 82 of the Tamil Nadu Co-operative Societies Act. A departmental officer, who has conducted or who is a member of the Team which conducted preliminary enquiry and submitted a report, shall not be appointed to conduct the enquiry under Section 81 or 82 of the Tamil Nadu Co-operative Societies Act.

6. Admittedly, the third respondent conducted a preliminary enquiry and submitted a report. Only on the basis of the report submitted by the third respondent, the second respondent has now appointed the very same officer as Enquiry Officer to conduct enquiry under Section 81 of the Tamil Nadu Co-operative Societies Act. It is against the circular issued by the first respondent.

7. In view of the above, the order passed by the first respondent is liable to be quashed. Accordingly, it is hereby quashed. The second respondent is directed to appoint some other Co-operative



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Sub Registrar to conduct enquiry under Section 81 of the Tamil Nadu Co-operative Societies Act in respect of the fourth respondent Society within a period of two weeks from the date of receipt of a copy of this order. Thereafter, the Enquiry Officer is directed to complete the enquiry within a period of six weeks thereafter.

8. With the above direction, this writ petition stands allowed. Consequently, connected miscellaneous petitions are closed.
No costs.

23.10.2024

Internet : Yes
Index : Yes/No
Speaking order/Non-speaking order
Lpp

To

1.The Registrar of Co- Operative Societies,
No.170, N.V.N. Maligai,
Kilpauk, Chennai- 10.

2.The Deputy Registrar of Co- Operative Societies,
Krishnagiri Circle,
Krishnagiri.



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3.The Co- Operative Sub Registrar /
Enquiry Officer,
U/S.81 of the TNCS Act.
D.K. 137, Krishnagiri District,
Primary Agricultural Co- Operative Credit Society
Employees Co- Operative Thrift and Credit Society,
No.141/33 Gandhi Nagar,
2nd Cross, Krishnagiri- 01.

4.The Administrator,
D.K.137, Krishnagiri District
Primary Agricultural Co- Operative Credit Society
Employees Co- Operative Thrift and Credit Society,
No.141/33 Gandhi Nagar,
2nd Cross, Krishnagiri- 01.



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