



W.P.No.25095 of 2017
and W.M.P.Nos.26532 & 26533 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.10.2024

CORAM:

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

W.P.No.25095 of 2017
and W.M.P.Nos.26532 & 26533 of 2017

T.Meena

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Petitioner

Vs.

1.The Deputy Registrar of Cooperative Societies,
(Housing), Chegalpattu Region,
No.18, Varadhanar Street,
Vedhachalam Nagar, Chengalpattu,
Kancheepuram District.

2.The Enquiry Officer,
(Tiruvallur Taluk Cooperative Housing Society)
O/o.Deputy Registrar of Cooperative Societies,
(Housing), Chegalpattu Region,
No.18, Varadhanar Street,
Vedhachalam Nagar, Chengalpattu,
Kancheepuram District.

3.The President,
Tiruvallur Taluk Cooperative Housing Society,
No.210, M.V.Complex,
C.V.Naidu Salai, Tiruvallur.

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Respondents



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PRAYER: Writ Petition is filed under Article 226 of Constitution of India praying to issue Writ of Certiorari, calling for the entire records relating to the impugned order passed by the first respondent in his proceedings Na.Ka.179/2015/F1, dated 14.06.2017 and quash the same.

For Petitioner : Mr.C.Prakasam
For Respondent Nos.1 & 2 : Mr.M.Murali
Government Advocate
For Respondent No.3 : Mr.J.Thilagaraj

ORDER

This Writ Petition has been filed challenging the notice issued by the first respondent dated 14.06.2017 thereby directed the petitioner to appear for an enquiry under Section 81 of the Tamil Nadu Co-operative Societies Act, 1983.

2. The petitioner's husband was the member of the third respondent. Her husband worked as Secretary in the said Society and he had indulged in several malpractices, misdeeds, financial irregularities and misappropriation running into several crores of rupees. Therefore, he was suspended from service and served with a charge memo containing 19 charges. In spite of several charges, he did not submit any explanation for the charge memo. Therefore, a domestic enquiry was conducted by



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the third respondent as against the petitioner's husband in respect of the grave charges levelled against him. After enquiry, the enquiry officer submitted a report and held that 11 charges out of 19 charges to be proved and enquiry report was served on the petitioner's husband, who failed to submit any explanation. Therefore, he was dismissed from service by the proceedings dated 17.10.2015.

3. Aggrieved by the same, the petitioner's husband preferred revision before the Registrar of Co-operative Societies (Housing) and the same was allowed. As against the said order, the Registrar of Co-operative Societies (Housing) filed a writ petition before this Court in W.P.No.13183 of 2017. Thereafter, he was reinstated into service.

4. It is seen that Plot No.3A was allotted in favour of one S.A.Ramalingam during the year 1960 and he failed to remit the sale consideration and also failed to commence any construction of the house within a period of two years. Therefore, the allotment was cancelled. That apart, the disciplinary proceedings were initiated as against the said



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S.A.Ramalingam and he submitted an explanation stating that Plot No.3A does not belong to society and it belongs to the wife of G.R.Radhakrishnan. However, no document has been registered and as such, he requested the third respondent to register the society in favour of the petitioner's husband herein. Therefore, the third respondent registered the document in favour of the petitioner's husband *vide* Document No.1786 dated 20.02.2008.

5. During the final audit memorandum for the year 2013-2014, it was pointed out by the auditor that many irregularities were noticed in the sale of plots/sites in Ekkadu Rural Cooperative Housing Society and disciplinary proceedings were initiated to probe the irregularities. Therefore, the third respondent requested for an enquiry and accordingly, the first respondent ordered for an enquiry under Section 81 of the Tamil Nadu Co-operative Societies Act, 1983 and issued summons to the petitioner's husband. Therefore, the petitioner's husband was rightly issued notice for an enquiry to be conducted under Section 81 of the Tamil Nadu Co-operative Societies Act, 1983.



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6. Hence, the writ petition itself is premature and mere ordering enquiry under Section 81 of the Tamil Nadu Co-operative Societies Act, 1983, cannot constitute any cause of action for the purpose of filing this writ petition. Hence, this Court finds no infirmity in the order passed by the first respondent and the same has to be dismissed. Accordingly, this Writ Petition is dismissed. The second respondent is at liberty to proceed with the enquiry under Section 81 of the Tamil Nadu Co-operative Societies Act, 1983. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

03.10.2024

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

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To

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G.K.ILANTHIRAIYAN, J.

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