



WEB COPY

W.P.(MD) No.16015 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.(MD) No.16015 of 2017

and

W.M.P.(MD) Nos.12679 & 14851 of 2017

C.Narayanan

... Petitioner

-vs-

- 1.The Deputy Registrar
Co-operative Societies
near Ottapalam
Paramakudi
Ramanathapuram District
- 2.The Enquiry Officer under Section 81
Co-operative Sub Registrar /
Managing Director
Kamuthi Co-operative Marketing Society
Kamuthi, Ramanathapuram District
- 3.Q1193-A. Punavasal Primary Agricultural
Co-operative Credit Society
A.Punavasal
Marandai Post
Kadaladi Taluk
Ramanathapuram District

... Respondents



W.P.(MD) No.16015 of 2017

WEB COPY

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus forbearing the respondents from completing the section 81 enquiry and filing report without obtaining the entire documents sought for by the proceedings dated 17.05.2017 and 26.05.2017 and 12.06.2017 by considering the representation of the petitioner dated 27.06.2017.

For Petitioner : Mr.Raja Karthikeyan

For Respondents : Ms.D.Farjana Ghoushia
Special Government Pleader for R1 & R2

ORDER

This writ petition has been filed for a mandamus to forbear the respondents from completing the enquiry under Section 81 of the Tamil Nadu Co-operative Societies Act, 1983 and filing a report without obtaining the entire documents sought for through the proceedings dated 17.05.2017, 26.05.2017 and 12.06.2017, by considering the representation of the petitioner dated 27.06.2017.

2. The prayer sought for in this writ petition cannot be granted as the petitioner cannot stall the enquiry under Section 81 of the Tamil Nadu Co-



W.P.(MD) No.16015 of 2017

WEB COPY

operative Societies Act, 1983. The petitioner claims that he has handed over the possession of all the documents, which were in his custody, to the respondents. He has also stated that the other documents sought for by the respondents are not in his custody. He has also submitted an explanation to the notice received from the respondents stating the aforesaid facts. In view of the pendency of this writ petition, the enquiry is still pending. As observed earlier, enquiry cannot be stalled. The petitioner has already put the respondents on notice that he has submitted all the documents pertaining to the Society, which were in his custody and the remaining documents sought for by the respondents are not available with him. It is for the respondents to consider the explanation submitted by the petitioner with regard to the availability of documents on merits and in accordance with law, while passing the final orders in the enquiry proceedings initiated under Section 81 of the Tamil Nadu Co-operative Societies Act, 1983.

3. For the foregoing reasons, after recording the aforesaid statement made by the petitioner in this writ petition, this Court directs the second respondent to complete the enquiry under Section 81 of the Tamil Nadu Co-operative Societies Act, 1983 and pass final orders, after giving due



W.P.(MD) No.16015 of 2017

WEB COPY

consideration to the explanation submitted by the petitioner, including the explanation with regard to the non-availability of certain documents, on merits and in accordance with law, within a period of six months from the date of receipt of a copy of this order.

4. With the above directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

27.08.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

krk

To:

- 1.The Deputy Registrar,
Co-operative Societies,
near Ottapalam,
Paramakudi,
Ramanathapuram District.
- 2.The Enquiry Officer under Section 81,
Co-operative Sub Registrar /
Managing Director,
Kamuthi Co-operative Marketing Society,
Kamuthi, Ramanathapuram District.



WEB COPY



W.P.(MD) No.16015 of 2017

ABDUL QUDDHOSE, J.

krk

W.P.(MD) No.16015 of 2017
and
W.M.P.(MD) Nos.12679 & 14851 of
2017

27.08.2024