



W.P.No.3848 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.02.2025

CORAM :

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

Writ Petition No.3848 of 2025
and W.M.P.No.4263 of 2025

B.Krishnamoorthy

... Petitioner

Vs.

The Deputy Registrar of Cooperative Societies,
Surcharge Officer,
Tiruvannamalai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Mandamus directing the respondent to furnish all the required relevant documents to the petitioner and to follow the Principles of Natural Justice as enumerated under Section 87(4) of Tamil Nadu Cooperative Societies Act, 1983 and also the guidelines issued by the Registrar of Cooperative Societies in the circular No.3 of 2018 dated 07.01.2024 before the respondent authority.

For Petitioner : Mr.K.Rajendran

For Respondent : M/s.M.Jayanthi,
Additional Government Pleader

ORDER

The petitioner has filed this petition to direct the respondent to furnish



W.P.No.3848 of 2025

all the required relevant documents to the petitioner and to follow the Principles of Natural Justice as enumerated under Section 87(4) of Tamil Nadu Cooperative Societies Act, 1983 and also the guidelines issued by the Registrar of Cooperative Societies in the circular No.3 of 2018 dated 07.01.2024 before the respondent authority.

2. Since no adverse order has been passed, this writ petition is taken up for final hearing.

3. The case of the petitioner is that the petitioner was originally appointed as Secretary in Pillur Primary Agricultural in the year 1985. Thereafter, he was promoted to the post of Secretary from the year 1991 and served till 2022. Subsequently, he was transferred to HH 630, Kalasapakkam Primary Agricultural Cooperative Credit Society on 07.11.2022 to serve there as Additional Charge of Secretary. Then, the petitioner was relieved from the Kalasapakkam Primary Agricultural Cooperative Society on 05.12.2023. This being the case, the respondent herein issued the show cause Notice under section 87 of Tamil Nadu Cooperative Societies Act, 1983 (hereafter



W.P.No.3848 of 2025

called as “Act”) in reference No.07/2024-2025 Sa.Pa. & Na.Ka.

No.2308/2024 Sa.Pa. Dated 24.10.2024, alleging misappropriation with regard to issuance of jewel loan to the members based on the 81 enquiry report for which action will be taken against the petitioner under section 87 of the Act. But, the respondent has not enclosed the enquiry report along with the said show cause notice.

3.1. Subsequently, the surcharge officer has issued notice directing the petitioner to appear for enquiry under Section 87 of the Tamil Nadu Cooperative Societies Act, 1983. The petitioner made representations through his letters dated 18.11.2024, 05.12.2024, 23.12.2024 and 24.12.2024, requesting the surcharge officer to furnish the 81 enquiry report. The surcharge officer replied vide letter dated 06.12.2024 asking the petitioner to take notes of the report and documents on 17.12.2024. The respondent further responded to the Petitioner's letter dated 24.12.2024 by enclosing the 81 enquiry report vide their letter dated 30.12.2024 without furnish the documents relied in the enquiry report and on the same day the respondent had sent a summon in Na.Ka.No.2830/2024 sa.pa Tha.Thee.No.07/2024-



W.P.No.3848 of 2025

2025 sapa, directing the petitioner to appear for an enquiry on 07.01.2025.

The petitioner filed a Memo on 07.01.2025 before the respondent, seeking 42 documents, which are all relevant to the charges mentioned in the show cause notice dated 24.10.2024 so as to enable him to submit his explanation. However, the same was not furnished to the petitioner. Aggrieved over the same, the petitioner has come with the present writ petition.

4. Though very many grounds have been raised in this writ petition, learned counsel for the petitioner submitted that, it would suffice, if this Court issues direction to the respondent to furnish all the required relevant documents to the petitioner and to follow the principles of Natural Justice as enumerated under Section 87(4) of Tamil Nadu Cooperative Societies in the Circular No.3 of 2018 dated 25.04.2018 by considering the petitioner's memo dated 07.01.2025 and pass appropriate orders on merits and in accordance with law, within a particular time frame to be fixed by this Court.

5. Learned Additional Government Pleader appearing for the respondent has no objection for the said order being passed by this Court.



W.P.No.3848 of 2025

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6. Heard the learned counsel on either side and perused the materials placed on record.

7. Considering the limited prayer sought for by the learned counsel for the petitioner, this Court without going into the merits of the case, directs the respondent to furnish all the required relevant documents to the petitioner and to follow the principles of Natural Justice as enumerated under Section 87(4) of Tamil Nadu Cooperative Societies in the Circular No.3 of 2018 dated 25.04.2018 by considering the petitioner's memo dated 07.01.2025 and pass appropriate orders on merits and in accordance with law, within a period of six months from the date of receipt of a copy of this order.

8. This writ petition is disposed of with the aforesaid observation and directions. No costs. Consequently, connected miscellaneous petition is closed.



W.P.No.3848 of 2025

05.02.2025

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Index : Yes/No

Speaking Order : Yes/No

Neutral Citation : Yes/No

J.SATHYA NARAYANA PRASAD,J.

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To:

The Deputy Registrar of Cooperative Societies,
Surcharge Officer,
Tiruvannamalai.

W.P.No.3848 of 2025

Page No.6 of 7



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W.P.No.3848 of 2025

05.02.2025