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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.12.2025

CORAM

THE HONOURABLE MR.JUSTICE **V. LAKSHMINARAYANAN**

W.P.No.3822 of 2025
and
W.M.P. Nos.4229, 13362 and 41884 of 2025

K.Rajendran .. Petitioner

vs

1.The Additional Chief Secretary to Government,
Co-op., Food and Consumer Protection Dept.,
Fort St. George, Chennai – 600 009.

2.The Registrar of Co-op. Societies,
N.V.N.Maligai, Kilpauk, Chennai – 600 010.

3.The Joint Registrar of Co-op. Societies,
Dharmapuri Region, Dharmapuri District.

4.The Deputy Registrar of Co-op. Societies,
Dharmapuri Circle, Dharmapuri District.

5.K.K.349 Dharmapuri District Central
Co-op. Bank rep. By its
Joint Registrar/Managing Director,
10/11, Nethaji Bypass Road,
P.O.Box No.16, Dharmapuri – 636 701.

6.M.Ramesh Kumar,
former Branch Manager,
K.K.349, Dharmapuri District Central
Co-op. Bank Ltd., Hosur Branch,
Hosur Bangalore High Road,
Opp. Bus Stand, Hosur – 635 109. .. Respondents

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Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of certiorarified mandamus to call for the records relating to the impugned order passed in Na.Ka.175/2022-23/C4 dated 22.01.2025 by the fifth respondent herein and quash the same and consequently direct the respondent Nos.1 to 4 to take necessary action for commencement of statutory enquiry under Section 81 of Tamil Nadu Cooperative Societies Act, 1983 in respect of irregularities caused by the sixth respondent in petitioner's father i.e.,T.K.Kalidoss gold jewel loan accounts pledged in 5th and 6th respondent banks as per representation dated 14.10.2024 made by the petitioner herein.

For Petitioner	:	Mr.T.Sundaravadanam
For Respondents	:	Ms.Geetha Thamaraiselvan, Special Government Pleader for R1 to R4 Mr.A.Praveen Kumar for R5 Mr.M.S.Palanisamy for R6

ORDER

I heard Mr.T.Sundaravadanam, learned counsel for the petitioner, Ms.Geetha Thamaraiselvan, learned Special Government Pleader for respondents 1 to 4, Mr.A.Praveen Kumar, learned counsel for the fifth respondent and Mr.M.S.Palanisamy, learned counsel for the sixth respondent.

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2. The petitioner's father is one T.K.Kalidoss. He was a member of the fifth respondent society. He had pledged 248.900 grams of gold jewels and obtained loan on 03.08.2018, 31.12.2018, 29.01.2019, 27.02.2019 and 12.04.2019. The extent of pledge was for Rs.4,37,200/-. Pending the loan, Mr.Kalidoss, unfortunately passed away.

3. The petitioner's brother one Cholarajan approached the fifth respondent along with an indemnity bond said to have been executed by the petitioner, renewed the loan and thereafter, redeemed the pledge and retrieved the jewels.

4. The petitioner states that he came to know about these facts, only post death of his brother Cholarajan, on 16.08.2022. He pleads it was only when the legal heirs of Cholarajan started making claim for a share, that they revealed the aforesaid facts.

5. Immediately on coming to know that jewels have been returned to Cholarajan, without following the due procedures, as required under law, the petitioner approached the respondents 4 and 5 seeking an enquiry under Section 81 of the Tamil Nadu Co-operative Societies Act, 1983 (hereinafter referred to as TNCS Act).

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6. Taking into consideration the complaint, the Assistant General Manager of the fifth respondent was appointed as an enquiry officer. The enquiry officer came to the following conclusion:

`திரு.காளிதாஸ் (லேட்) த/பெ குப்புசாமி என்பவருடைய இறப்பு சான்றிதழ் மட்டுமே பெறப்பட்டுள்ளது. அவருடைய வாரிசு சான்று பெறப்படவில்லை.

திருமதி.கஸ்தூரி க/பெ காளிதாஸ்(லேட்) என்பவருடைய வாரிசு சான்று மற்றுமே பெறப்பட்டுள்ளது.

திரு.கே.ராஜேந்திரன் த/பெ காளிதாஸ் (லேட்) என்பவர் முன்னிலையில் கையொப்பமிட்டு சமர்ப்பிக்கப்பட்ட Indemnity Bond-ன் அடிப்படையில் மட்டுமே அடகு வைத்த நகைகளை திரு.சோழராஜன் என்பவரிடம் ஒப்படைக்கப்பட்டுள்ளது. மேற்கண்டவாறு திரு.ராஜேந்திரன் என்பவர் Indemnity Bond-ல் கையொப்பமிட்டுள்ளதை கிளை மேலாளர் உறுதி செய்யப்படவில்லை.

திரு.கே.ராஜேந்திரன் என்பவரின் KYC ஆவணங்கள் பெறப்படவில்லை.

திரு.காளிதாஸ் வங்கி கிளையில் அடகு வைத்த 7 நகைகளில் நகைகடன் எண்.710526344-க்கு மட்டுமே உண்டான நகைகடன் ரசீது பெறப்பட்டு நகை திரும்ப வழங்கப்பட்டுள்ளது. மற்ற 6 நகைகடன்களுக்கு உண்டான

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நகைக்கடன் ரசீதுகள் கிளையில் பெறப்படவில்லை.

மேற்கண்டவற்றின் அடிப்படையில் இறந்துவிட்ட வாடிக்கையாளரின் வாரிசுகளுக்கு நகைகளை திரும்ப வழங்க மேற்கொள்ள வேண்டிய நடைமுறைகளை முழுமையாக பின்பற்றாத ஓசூர் மெயின் கிளை மேலாளர் திரு.எம்.ரமேஷ்குமார் மீது நடவடிக்கை மேற்கொள்ளலாம் என பணிவுடன் தெரிவித்துக்கொள்கிறேன்.'

7. The report of the Assistant General Manager dated 10.01.2025 was placed before the fifth respondent. The fifth respondent merely extracted the findings and rejected the complaint so made. Hence, the present writ petition impugning the proceedings dated 22.01.2025.

8. It is the plea of Mr.Sundaravadanam that the respondents ought to have initiated an enquiry under Section 81 of the TNCS Act as the return of jewels to Cholarajan by the sixth respondent amounts to mismanagement of the affairs of the society.

9. Per contra, learned counsel for the respondents represent that the complaint itself was belated and was presented five years after the return of the jewels to Cholarajan and two years after the

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death of Cholarajan himself. They state that the fifth respondent had applied her mind to the facts of the case and had come to a conclusion that no further action need to be initiated against the sixth respondent. They plead that the order is perfectly valid and hence, seek the writ petition be dismissed.

10. I have carefully considered the submissions of both sides and gone through the records.

11. The grievance of the petitioner is that the sixth respondent had returned the jewels, pledged by his father, without following the due procedure as required under law. Whether a Section 81 enquiry, has to be initiated or not, is for the first respondent to take a call, once a report is submitted, by the fifth respondent. Though Mr.Sundaravadanam wants an enquiry to be conducted by the fourth respondent in terms of Section 81 of the TNCS Act, I have to point out that the fifth respondent is being headed by a person, holding the rank of a Joint Registrar. He is superior in position than the fourth respondent. Even if the fourth respondent were to appoint a Co-operative Sub Registrar, to conduct the enquiry, he or she will be way below the pecking order than the fifth respondent.

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12. Apart from this, I find that the impugned order is totally unreasoned. Merely extracting the enquiry report and thereafter rejecting the complaint given by the petitioner, does not pass muster. It has been repeatedly held that authorities, irrespective of whether they are administrative, quasi judicial or judicial, have to give reasons in support of their conclusion. An unreasoned order would have to be treated as a still born. As the impugned order does not disclose any reasons, this Court is constrained to interfere on that short ground alone.

13. The normal practice that this Court adopts is to set aside the order and remit it to the same authority for reconsideration. In this case, sending it to the fifth respondent, who has taken a view against the petitioner, might result in 'confirmation' bias. At the same time, directing the fourth respondent to initiate action would not serve any purpose, as he is subordinate, to the fifth respondent.

14. All the counsel agree that the enquiry can be conducted by an officer superior to the Joint Registrar viz., fifth respondent. Hence, the impugned order is set aside. The entire file including the complaint given by the petitioner shall be forwarded to the second respondent. The second respondent shall appoint a person holding the rank of Additional Registrar of Co-operative Societies to look into the papers afresh and pass an order. The said exercise shall be

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completed, within a period of eight weeks from today. Depending on the report of the Additional Registrar, it is open to the second respondent either to initiate an action under Section 81 of the TNCS Act or any disciplinary proceeding, he so desires.

15. The writ petition is disposed of in the above terms. Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.

11.12.2025

Index:Yes/No
Neutral Citation:Yes/No
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