



WEB COPY

W.P.No.7628 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2025

CORAM

THE HONOURABLE MR JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.7628 of 2025

and

W.M.P.No.8554 of 2025

C.Govindarajan

... Petitioner

Vs.

The Deputy Registrar of Cooperative Societies,
Hosur Circle,
Krishnagiri District.

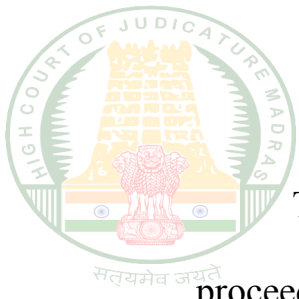
...Respondent

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus, to forbear the respondent from proceeding the surcharge enquiry under Section 87(1) of the Tamil Nadu Primary Agricultural Co-operative Credit Societies Act pursuant to the surcharge notice Tha.thee.No.01/2024/sa.pa dated 06.01.2025 without furnishing the copies of the documents requested by the petitioner's letter dated 21.01.2025.

For Petitioner : Mr.S.Palaniswamy

For Respondent : M/s.Geetha Thamarai Selvan,
Special Government Pleader

ORDER



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This Writ Petition has been filed to restrain the respondent from proceeding with the surcharge inquiry under Section 87(1) of the Tamil Nadu Primary Agricultural Co-operative Credit Societies Act, pursuant to the surcharge notice Tha.thee.No.01/2024/sa.pa dated 06.01.2025, without furnishing copies of the documents requested by the petitioner in his letter dated 21.01.2025.

2. The learned counsel for the petitioner submits that, in response to the petitioner's representation dated 21.01.2025, the respondent issued a letter dated 13.02.2025, informing the petitioner that he may visit the respondent's office on any working day to peruse the required documents.

3. The learned counsel further submits that, as per the circular of the Registrar of Co-operative Societies (Circular No.3 of 2018, R.C.10243/2018/WPA 1, dated 25.04.2018), Clauses VII, VIII, and IX state as follows:

(vii) During the course of the hearing, witnesses may be examined only in the presence of the person concerned, and an opportunity must invariably be given to the person concerned to cross-examine the witness so examined.

(viii) If the person wishes to examine a witness on his behalf, he shall present the witness for examination at his own cost.



(ix) The inquiry shall be conducted with an open mind and must be free and fair.

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4. He further submits that, without access to the requested documents, he would not be in a position to depose in person, and the inquiry is scheduled for **07.03.2025 (Friday) at 11:00 a.m.**

5. The learned Special Government Pleader appearing for the respondent submits that the respondent issued a letter dated 13.02.2025, informing the petitioner that he may visit the respondent's office on any working day to peruse the documents.

6. Heard both sides and perused the materials available on record.

7. As per Circular No.3 of 2018 (R.C.10243/2018/WPA 1, dated 25.04.2018), Clauses IV, VII, and IX state as follows:

(iv) Where a copy of any document related to the subject matter in issue is sought by the person, it shall be provided if available or arranged to be provided by the society directly to the person concerned.

(vii) During the course of the hearing, witnesses may be examined only in the presence of the person concerned, and an opportunity must invariably be given to the person concerned to cross-examine the witness so examined.



(ix) The inquiry shall be conducted with an open mind and must be free and fair.

WEB COPY 8. In view of the above factual matrix of the case, the following directions are issued:-

(a) The respondent is directed to furnish the documents requested by the petitioner within a period of four (4) weeks from the date of receipt of a copy of this order.

(b) Upon receiving the documents from the respondent, the petitioner shall submit his reply / explanation within four weeks.

(c) On receipt of reply / explanation, the respondent shall fix the next date of hearing for the enquiry.

(d) The petitioner is directed to cooperate with the inquiry.

9. The Writ Petition is **disposed of** with the above observations and directions. No costs. Consequently, the connected miscellaneous petitions are closed.

04.03.2025

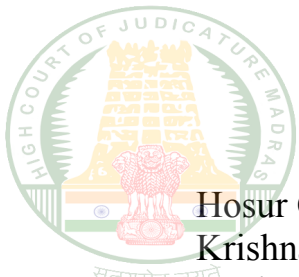
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Index : Yes/No

Speaking Order: Yes/No

Neutral Citation : Yes/No

To
The Deputy Registrar of Cooperative Societies,



Hosur Circle,
Krishnagiri District.
Ranipet District.

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W.P.No.7628 of 2025



J.SATHYA NARAYANA PRASAD. J.,

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