



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15-07-2025

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THE HONOURABLE MRS.JUSTICE N. MALA

WP No. 10393 of 2025

and

WMP No.11687 of 2025

1. K.Murugesan

S/o.S.M.Kuppuswamy, No.11/16,
Ganesha Colony, Line No.2,
Dharmapuri Town, Dharmapuri
District- 636 701.

Petitioner(s)

Vs

1. The Secretary To Government Of
Tamil Nadu
Department Of Co- Operation, Food
And Consumer Protection, Fort St.
George, Secretariat, Chennai-09.

2.The Registrar Of Co- Operative
Societies
No.170, Nv Natarajan Maaligai, Evr
Periyar High Road, Kilpauk,
Chennai-010.

3.The Joint Registrar Of Cooperative
Societies
District Collectorate Office Campus,
Collectorate Post, Dharmapuri- 636
705.



4.The Deputy Registrar Of Cooperative Societies

District Collectorate Office Campus,
Collectorate Post, Dharmapuri- 636
705.

5.The Administrator

D.D.133, Dharmapuri And Krishnagiri
District Pwd Employees Cooperative
Thrift And Credit Society Ltd.,
No.96/23 A , South Railway Line
Road, Kumaraswamypet, Dharmapuri-
636 701.

6.The Cooperative Sub Registrar/ Field
Officer (morappur)

Section 82, Inspection Officer,
D..D.133, Dharmapuri And Krishnagiri
District Pwd Employees Cooperative
Thrift And Credit Society Ltd, O/o.
Deputy Registrar Of Cooperative
Societies, District Collectorate Office
Campus, Collectorate Post,
Dhramapuri-636 705.

Respondent(s)

PRAYER

Writ petition is filed for issuance of a Writ of Certiorari, calling for the records of the 6th respondent in impugned summon dated 14.03.2025 for conducting section 82 Inspection under the Tamil Nadu Cooperative societies Act, 1983 and quash the same as illegal, unconstitutional and without jurisdiction or any other order.



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For Petitioner(s): Mr.S.Sathiaseelan

For Respondent(s): Mrs.Geetha Thamaraiselvan,
for RR1 to 4 and R6
Mr.S.Sivashanmugasundaram,
for R5

ORDER

With the consent of both the learned counsels, writ petition is taken up for final disposal at the admission stage itself.

2. The writ petition is filed under Article 226 of the Constitution of India, seeking for issuance of Writ of Certiorari, to quash the impugned summons dated 14.03.2025, issued by the 6th respondent under Section 82 of the Tamil Nadu Co-operative Societies Act, 1983.

3. The petitioner states that the 5th respondent is a Society registered under the provisions of Tamil Nadu Cooperative Societies Act, 1983, and is under the administrative control of the 4th respondent, presently managed by Administrator. The petitioner entered service as Clerk in the 5th respondent on 09.01.1996, and was promoted as Secretary with effect from 29.05.2000, and continuing the post till date. The petitioner states that impugned summons is unsustainable, as the 5th respondent withheld the salary / subsistence allowance



for nearly 12 months, in violation of Article 21 of the Constitution of India.

The petitioner, therefore contends that unless the subsistence allowance is paid, he cannot be compelled to participate in the proceedings under Section 82 of the Act, 1983.

4. The respondents in the counter affidavit stated that the writ petition was not maintainable on the ground that it was premature. According to the respondents, the impugned order is only a summons issued under Section 82 of the Act, and that by issuance of such summons, none of the petitioner's rights are infringed. The respondents further stated that the proceedings under Section 82 of the Act, were fact finding in nature and any consequential action, if any taken, could always be challenged. The respondents therefore prayed that the writ petition may be dismissed as merit-less.

5. The learned counsel for the petitioner reiterates that withholding the salary / subsistence allowance disentitles the respondents from compelling the petitioner's participation in the inspection and therefore prays for quashing the impugned summons.

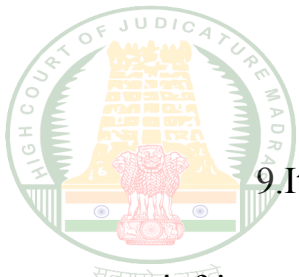


6. The learned counsel for the respondents on the other hand refutes the said submissions and seeks dismissal of the writ petition.

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7. Heard both sides and perused the materials placed on record.

8. The only ground urged against the impugned summons is non payment of salary /subsistence allowance. According to the respondents, the petitioner was paid the salary upto March 2024, and the petitioner also filed WP.No.12713/2025 for a direction to the respondents therein to pay a sum of Rs.45,977/- per month plus increased Dearness Allowance and other increments for the period from March, 2024, till date and for other reliefs. The learned counsel for the respondents therefore submitted that the petitioner cannot link the payment of subsistence allowance/salary to the impugned summons. The learned counsel for the respondents further submitted that the impugned order is merely a summons which was only fact finding in nature and if, any consequential action was taken, the petitioner could always challenge the same in the manner known to law. I find force in the arguments of the learned counsel for the respondents.



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9. It is settled that summons is a mere procedural act which does not infringe rights and hence, cannot be challenged under Article 226 proceedings unless there is a jurisdictional infirmity. Moreover, the proceedings under Section 82 are fact finding in nature and if any adverse action is taken, pursuant to section 82 enquiry report, the petitioner can always challenge the same. I therefore, find that the writ petition is premature and devoid of merits. This Court finds no justifiable reasons to interfere with the impugned summons.

9. Accordingly, the writ petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

15-07-2025

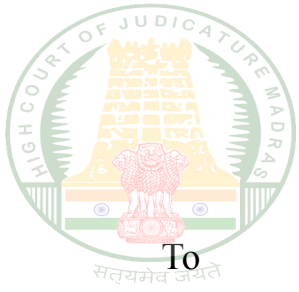
Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

dsn



To

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1. The Secretary,
Department of Co- Operation, Food And Consumer
Protection, Fort St. George, Secretariat, Chennai-600 009.
2. The Registrar Of Co- Operative Societies,
No.170, NV Natarajan Maaligai,
EVR Periyar High Road,
Kilpauk, Chennai-600 010.
3. The Joint Registrar of Cooperative Societies,
District Collectorate Office Campus, Collectorate Post,
Dharmapuri- 636 705.
4. The Deputy Registrar of Cooperative Societies,
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5. The Administrator,
D.D.133, Dharmapuri and Krishnagiri District PWD
Employees' Cooperative Thrift and
Credit Society Ltd., No.96/23 A ,
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6. The Cooperative Sub Registrar/ Field Officer (Morappur),
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Employees' Cooperative Thrift And Credit Society Ltd,
O/o. Deputy Registrar Of Cooperative Societies,
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N.MALA J.

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