



WMP NO. 11679 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-10-2025

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THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

WMP NO. 11679 of 2025

IN WP NO. 10385 OF 2025

B.S.Venkatesan

S/o.Sonnepalli Naidu, No.1081, Police Station Street, Berigai
Village Post, Soolagiri Taluk, Krishnagiri District- 635105.

Petitioner(s)

Vs

1. The Joint Registrar Of Cooperative Societies
Krishnagiri, Krishnagiri District

2. The Deputy Registrar Of Cooperative Societies
Hosur Circle, Hosur, Krishnagiri District.

3. The Inspector Officer
(u/s. 82 Of Tamil Nadu Cooperative Societies Act, 1983) Cooperative Sub Registrar/
Field Officer, D.K.80, Berigai Primary Agricultural Cooperative Credit Society Ltd.,
Soolagiri Road, Berigai Village And Post, Soolagiri Taluk, Krishnagiri District.

4. The President,
Dk.80, Berigai Primary Agricultural Cooperative Credit Society
Ltd., Soolagiri Road, Berigai Village And Post, Soolagiri Taluk,
Krishnagiri District. (r4-impleaded As Per Order Dated 22.04.2025
In Wmp.15972/2025 In Wp.10385/2025 By Jsnpj)

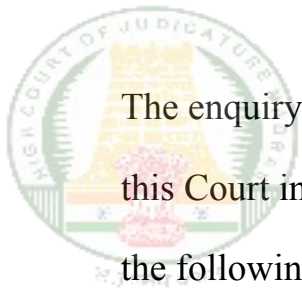
Respondent(s)

PRAYER: Petition filed under Article 226 of the Constitution of India, praying to stay the operation of the 3rd respondent's impugned Section 82 Inspection Report dated 28.03.2024 served on the petitioner on 03.02.2025; and the 2nd respondent's consequential impugned summon dated 06.03.2025 under Section 87 of the Act, 1983 pending disposal of the above writ petition.

For Petitioner(s): Mr.A.Anandasamy
for Mr.S.Sathiaseelan

For Respondent(s):

Mr.L.S.M.Hasan Fizal, AGP for R1 & R2
Mrs.V.Yamunadevi, SGP for R3
Mr.M.S.Palanisamy for R4



ORDER

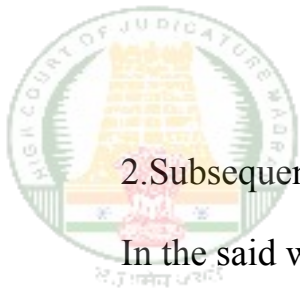


The enquiry notice had been initiated pursuant to the order of the Division Bench of this Court in W.A.No.780 of 2019 dated 12.03.2019. The Division Bench had passed the following order:-

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“6.Considering the facts of the case, we are of the view that the learned Single Judge was perfectly right in rejecting the said writ petition. Admittedly, there is an enquiry going on under the provisions of the Tamil Nadu Cooperative Societies Act. In such circumstances, the correctness of the procedure adopted in the sanction of loan has to be examined. Given the fact that a huge amount of money of the society had been disbursed by way of loan, we are of the view that the enquiry to be conducted should be at higher level and should be monitored by the Registrar of Cooperative Societies to see that wrong doers are brought to books and stringent action is initiated.

7.Therefore, while dismissing this writ appeal, we direct the Registrar of Cooperative Societies – the fifth respondent herein to take effective steps to ensure that the enquiry conducted into the affairs of the society is done in a proper manner. The Registrar of Cooperative Societies shall monitor the entire investigation and proceed further in accordance with law. Since the funds transacted by the society alone amounted to several crores of rupees, we are of the view that the enquiry shall be conducted by an officer, who is in the cadre of Registrar of Cooperative Societies. Parallely, the criminal complaint before the Central Crime Branch, Krishnagiri District, so that the police can investigate the matter from criminal angle. The above directions shall be complied with with a period of two weeks from the date of receipt of a copy of this judgment. No costs.”



2.Subsequently, the petitioner had filed another writ petition in W.P.No.21131 of 2019.

In the said writ petition too, the Hon'ble Dr.JUSTICE G.JAYACHANDRAN had

directed as follows:-

“The petitioner is directed to participate in the enquiry, pursuant to the notice issued by the Additional Registrar, which is impugned in this Writ Petition. Any proceedings of the Additional Registrar is subject to the out come of the writ petition. The respondents are directed to file counter by two weeks.”

3.The petitioner has filed the present writ petition challenging the inspection report under Section 82 and the notice issued for enquiry under Section 87 of the Tamil Nadu Cooperative Societies Act, 1983, which has been initiated pursuant to the order passed by the Division Bench. I am afraid a Single Judge cannot stay an order initiated, in pursuance of the order of a Division Bench.

4.The plea of the petitioner is that, he has not been paid subsistence allowance and therefore, is entitled to contest the proceedings, is already a subject matter of writ petition in W.P.No.6615 of 2025. No issue of jurisdiction has been raised in this writ petition. Summons can be stayed on the ground of malafide, or on the ground that the party which has issued notice, does not have jurisdiction. As both these pleas are not available to the petitioner, W.M.P.No.11679 of 2025 is dismissed.



5.Post W.P.No.10385 of 2025 in the usual course.



24-10-2025

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To

1. The Joint Registrar Of Cooperative Societies
Krishnagiri, Krishnagiri District

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Hosur Circle, Hosur, Krishnagiri District.

3. The Inspector Officer
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Order Dated 22.04.2025 In Wmp.15972/2025 In Wp.10385/2025 By Jsnpj)



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