



WEB COPY

WP.No.11480 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.07.2025

CORAM

THE HONOURABLE MRS. JUSTICE N.MALA

W.P.No.11480 of 2025

and

W.M.P.No.12969 of 2025

S.Ravikumar

S/o.C.Sait, No.2/443, Thonnaiyan Kottai,
Chennai Bye Pass Road,
Krishnagiri- 635 001.

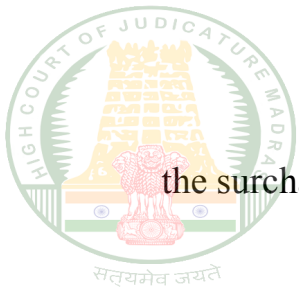
Petitioner(s)

Vs

The Deputy Registrar of Cooperative Societies
Tiruvannamalai Circle, Tiruvannamalai District.

Respondent(s)

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a direction in the nature of Writ of Mandamus, forbear the respondent from proceeding the surcharge enquiry under Section 87 (1) of the Tamil Nadu Co-Operative Societies Act pursuant to the surcharge notice in Tha.Thee.08/2024- 2025 sa.pa dated 06.01.2025 without furnishing the copies of the documents requested in petitioner's letter dated 13.01.2025 and 03.03.2025 and strictly follow the circular No.3/2018 (Rc.10243/2018/WPA1) dated 25.04.2018 issued by the Registrar of Co-Operative Societies and conduct



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the surcharge case and pass such further orders.

For Petitioner: Mr.M.S.Palaniswamy

For Respondent: Mr.S.Ravikumar,
Special Government Pleader

ORDER

This writ petition has been filed for issuance of a Writ of Mandamus, forbearing the respondent from proceeding the surcharge enquiry under Section 87 (1) of the Tamil Nadu Co-Operative Societies Act pursuant to the surcharge notice in Tha.Thee.08/2024- 2025 sa.pa dated 06.01.2025 without furnishing the copies of the documents requested in petitioner's letter dated 13.01.2025 and 03.03.2025 and strictly follow the circular No.3/2018 (Rc.10243/2018/WPA1) dated 25.04.2018 issued by the Registrar of Co-Operative Societies and conduct the surcharge case.

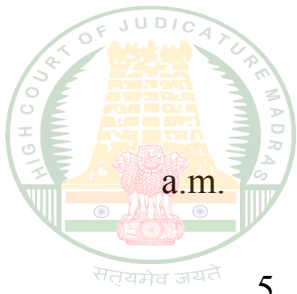
2. The petitioner served as Superintendent/Principal in charge of the Tiruvannamalai Co-operative Training Institute until 22.08.2024. The respondent ordered an inspection under Section 82 of the TNCS Act, and the inspection officer submitted his report on 20.11.2024. Based on this report, the



respondent issued a surcharge notice under Section 87(1), directing the petitioner to submit an explanation within 15 days. However, the petitioner was not provided with the supporting documents mentioned in the notice. Despite multiple representations on 13.01.2025 and 03.03.2025 requesting copies of these documents, the respondent did not furnish them. Instead, the respondent issued repeated summons for an enquiry.

3. Learned counsel appearing for the petitioner contends that issuing a surcharge notice without providing relevant documents prevents a fair defence. Repeated summons without addressing the petitioner's request for documents demonstrates haste and procedural unfairness. The petitioner asserts that the respondent's actions are illegal, arbitrary, and violate natural justice principles. Hence, the present writ petition is filed.

4. Learned counsel further submits that the order dated 25.04.2025 is not followed by the respondent while conducting surcharge proceedings under Section 87 (1) of the Tamil Nadu Co-Operative Societies Act. He further submitted that the enquiry is scheduled to be held today, 28.03.2025 at 11.00



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5. He further placed reliance on the order passed by this Court in W.P.No.23373 of 2004 (M.Karupannam Vs. The Deputy Registrar (Dairying), Office of the Deputy Registrar (Dairying), Erode Taluk and District and 2 others reported in 2012 (1) CWC 794, which held as follows:

“Tamil Nadu Cooperative Societies Act, 1983 (T.N.Act 30 of 1983), Section 87 – Deputy Registrar, passing an award directing petitioner to pay amount, which was found deficit, in respect of accounts of Society – Order confirmed by Cooperative Tribunal – Writ Petition challenging order of the Cooperative Tribunal – Perusal of award passed by Deputy Registrar would show that no evidence, either oral or documentary was recorded – Enquiry Officer has all powers of a Civil Court, while trying a Civil Suit under Code of Civil Procedure – Enquiry Officer is expected to record evidence on oath or at least he should receive evidence on Affidavit – He also has power to issue commission for examination of witnesses – If any adjudication is made, without evidence, it is out of surmises and findings are perverse, which



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cannot be sustained – Since Deputy Registrar passed award without recording any evidence, award is perverse – Impugned order set aside – Matter remitted to 1st respondent – Direction issued for holding appropriate enquiry by affording sufficient opportunity to petitioner – Time frame also fixed – Writ Petition allowed.

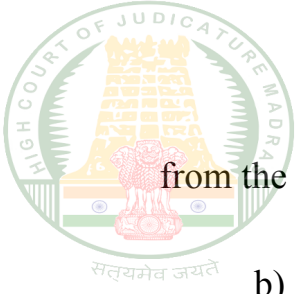
(paras 8, 9 10 & 11)”

6. Learned Special Government Pleader appearing for the respondent submits that the documents requested by the petitioner will be furnished within a period of four weeks.

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

8. Without going into the merits of the case, this Court is inclined to pass the following directions:

a) The respondent is directed to furnish the copies of the documents as requested by the petitioner's letter dated 13.01.2025 and 03.03.2025 by strictly following the circular No.3/2018 (Rc.10243/2018/WPA1) dated 25.04.2018 issued by the Registrar of Co-Operative Societies within a period of four weeks



from the date of receipt of a copy of this order.

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b) On receipt of such documents, the petitioner is directed to give his reply / objection to the respondent within a period of four weeks thereof.

c) Thereafter, the respondent shall consider his reply/objection filed by him and proceed further in the surcharge proceedings.

9. In the result, the writ petition stands disposed of with the above observations and direction. No costs. Consequently, connected miscellaneous petition is closed.

02.07.2025

Index: Yes/No

Internet: Yes/No

Speaking/Non-Speaking order

mtl

To

The Deputy Registrar of Cooperative Societies
Tiruvannamalai Circle, Tiruvannamalai District.



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N.MALA, J.

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