



W.P.No.16586 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.12.2025

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THE HONOURABLE Ms. JUSTICE P.T.ASHA

W.P.No.16586 of 2023

and

W.M.P.Nos.15875 and 15878 of 2023

T.Srinivasan

... Petitioner

-VS-

- 1.The Joint Registrar of Cooperative Societies,
Thiruvannamalai Region, Thiruvannamalai,
Thiruvannamalai District.
- 2.The Deputy Registrar of Cooperative Societies,
Thiruvannamalai Circle, Thiruvannamalai,
Thiruvannamalai District.
- 3.The Inquiry Officer / Cooperative Sub Registrar /
Field Officer,
Chengam Circle,
O/o.Deputy Registrar of Cooperative Societies,
Thiruvannamalai Circle, Thiruvannamalai,
Thiruvannamalai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to Writ of Certiorari, calling for the entire records relating to the impugned order passed by the 2nd respondent in his



W.P.No.16586 of 2023

proceedings Sae.Mu.8676/2022 Sa.Pa, dated 03.05.2023 and quash
the same.

For petitioner : Mr.C.Prakasam

For respondents : Mr.Ravikumar,
Special Government Pleader(Co-op)

ORDER

Aggrieved by the fact that an inquiry under Section 81 of the Tamil Nadu Cooperative Societies Act, 1983, (for short “the TNCS Act”)is proposed to be held afresh, despite the earlier Inquiry Officer giving a clean chit to the petitioner, the petitioner is before this Court.

2. The factual matrix of the above writ petition are as follows:

2.1. The petitioner was appointed as the Clerk in the H.H.612 C.Sorpppanandhal Primary Agricultural Cooperative Credit Society, C.Sorpppanandhal Village, Chengam Taluk, Thiruvannamalai District. Thereafter, the petitioner was promoted as Senior Clerk and posted as Secretary Incharge.



W.P.No.16586 of 2023

WEB COPY

2.2. Meanwhile, the respondents have ordered an inspection of the society and on inspection, it was found that without obtaining permission from the higher officials, the society has created documents and received Rs.2,07,29,400/- as deposits and further, there are discrepancies in the signature of the members in the jewel loan registers, jewel loan applications and vouchers, *etc.*

2.3. The Inspection Officials submitted the inspection report before the second respondent and on receipt of the same, the second respondent has ordered an inquiry under Section 81 of the TNCS Act and appointed an Inquiry Officer, the Cooperative Sub Registrar/Field Officer, Polur Circle and directed him to conduct an inquiry in respect of the above anomalies. The Inquiry Officer after conducting an inquiry had submitted the report to the second respondent which was not published.

2.4. However, the petitioner came to learn that the Inquiry



W.P.No.16586 of 2023

Officer has submitted his report stating that there was no error committed by the society. The second respondent not being satisfied with this finding decided to once again initiate an inquiry under Section 81 of the TNCS Act and issued the impugned order, aggrieved by which, the petitioner is before this Court. The learned counsel for the petitioner would contend that there is no provision under Section 81 of the TNCS Act for the Registrar to hold any number of enquiries.

3. Per contra, Mr.Ravikumar, Special Government Pleader (Co-op) appearing for the respondents would submit that Section 81(5) of the TNCS Act gives them right to hold a fresh inquiry.

4. Heard the learned counsel on either side and perused the materials on record.

5. From the arguments, it is clear that the entire writ petition revolves around the fact as to whether the authority has been



W.P.No.16586 of 2023

granted power to order fresh inquiry under Section 81 of the TNCS

Act as contended by the learned counsel for the respondents. Section

81(5) of the TNCS Act would read as follows:

“81(5).It shall be competent for the Registrar to withdraw any inquiry from the person authorised by him under Sub-Section (1) and to hold the inquiry himself or entrust it to any other person as he deems fit.”

A mere reading of the said section would categorically indicate that it is only an ongoing inquiry that can be withdrawn and taken either to himself by the Registrar or allocate the same to an another Inquiry Officer.

6. In the instant case, the earlier Inquiry Officer after a detailed inquiry has come to the conclusion that there was no error and submitted his report. Since the report has not gone to their liking, the second respondent has passed the said order directing a fresh inquiry. Therefore, the TNCS Act does not cloth the second respondent with an authority to hold a fresh inquiry. Therefore, the impugned order is arbitrary, whimsical and erroneous.



W.P.No.16586 of 2023

WEB COPY

Accordingly, the above writ petition is allowed as prayed for.

No costs. Consequently, connected miscellaneous petitions are closed.

10.12.2025

Internet : Yes

Index : Yes/No

Speaking order/Non-speaking order
ssa

To

- 1.The Joint Registrar of Cooperative Societies,
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W.P.No.16586 of 2023

P.T.ASHA, J.,

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W.P.No.16586 of 2023

10.12.2025