



WEB COPY



W.P.No.17339 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.07.2025

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THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

W.P.No.17339 of 2025

And

W.M.P.Nos.19655 and 19656 of 2025

1.V.Moorthy

2.R.Karunakaran

... Petitioners

Vs.

1.The Registrar of Co-operative Societies,
No.170, N.V.N.Maligai,
Kilpauk, Chennai – 10.

2.The Joint Registrar of Co-operative Societies,
Krishnagiri Region,
Krishnagiri District.

3.N.Periyasamy

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records relating of the order passed by the second respondent in Na.Ka.No.1519/2024/Sa.Pa dated 17.03.2025 quash the same.

For Petitioners : Mr.M.S.Palaniswamy

For Respondents : Mr.K.Tamilvendan for R1 and R2
Government Advocate
Mr.K.Tippu Sultan for R3
Government Advocate



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ORDER

The petitioners have filed this writ petition seeking issuance of Writ of Certiorari calling for the records relating of the order passed by the second respondent in Na.Ka.No.1519/2024/Sa.Pa dated 17.03.2025 quash the same.

2.The learned counsel appearing for the petitioners would submit that in contravention to the interim order passed in CMP No.1894 of 2025 in WA No.262 of 2025, the impugned order dated 17.03.2025 was passed by the Joint Registrar, whereas, as per the order of the Hon'ble Division Bench, such order has to be passed by the Registrar of Co-operative Societies.

3.This Court deems it appropriate to extract the Hon'ble Division Bench dated 31.01.2025 in CMP No.1894 of 2025 in WA No.262 of 2025:

"Ms.Geetha Thamaraiselvan, learned Special Government Pleader takes notice for the respondents.

2. In the light of the claim that several officers above the rank of a Sub-Registrar are



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involved and the interim report shows that there has been a large scale misappropriation of the funds of the Society, we find that the apprehension of the appellant that enquiry by a lower level officer may not yield the desired results is justified.

3. Hence, there will be an order of interim stay of all further proceedings pursuant to the order of the learned Single Judge directing an enquiry to be conducted by a Cooperative Sub-Registrar, until further orders. It will however be open to the Registrar, Cooperative Society will nominate an officer of a higher rank to conduct the enquiry."

4. At this juncture, the learned Government Advocate would fairly submit that as contended by the learned counsel appearing for the petitioner, instead of the order to be passed by the Registrar, the impugned order was passed by the Joint Registrar and would submit that if the matter is remitted back to the respondents, they would pass appropriate order in accordance with the order of the Hon'ble Division Bench dated 31.01.2025 in CMP No.1894 of 2025 in WA No.262 of 2025.



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5.In such view of the matter, the impugned order dated 17.03.2025 is quashed and the matter is remitted back to the respondents to pass a fresh order in accordance with law, of course as directed in CMP No.1894 of 2025 in WA No.262 of 2025 dated 31.01.2025, within a period of four weeks from the date of receipt of a copy of this order.

6.The writ petition is disposed of with the above direction. No costs. Consequently, connected miscellaneous petitions are closed.

08.07.2025

pri

Index: Yes/ No
Speaking Order: Yes/ No
NCC: Yes/ No

To

- 1.The Registrar of Co-operative Societies,
No.170, N.V.N.Maligai,
Kilpauk, Chennai – 10.
- 2.The Joint Registrar of Co-operative Societies,
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C.KUMARAPPAN,J.
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