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W.P.No.39279 of 2025

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

DATED : 28.10.2025

CORAM :

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

W.P.No.39279 of 2025

and

W.M.P.No.44083 of 2025

S.Karthikeyan

.. Petitioner

VS

1. The Principal Secretary to Govt.,  
Cooperation, Food and Consumer Protection Department,  
Fort St.George, Chennai – 600 009.
2. The Registrar of Cooperative Societies,  
'NVN Maligai', 170, Periyar EVR Road,  
Kilpauk, Chennai – 600 010.
3. The Joint Registrar of Cooperative Societies,  
District Collectorate, Ranipet District.
4. The Surcharge Officer/  
Deputy Registrar of Cooperative Societies,  
Ranipet Circle, Ranipet.
5. R.Swetha,  
Deputy Registrar of Cooperative Societies,  
Ranipet, Circle, Ranipet (Dt).

.. Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> respondents to transfer the surcharge case in Na.Ka.No.1459/2025/SF. tha.Thee.No.02/2025-2026 dated 24.09.2025 to any other surcharge officer other than the 5<sup>th</sup> respondent by considering petitioner's representation dated 08.10.2025 and enabling the said officer, to conduct the fresh enquiry in light of the guidelines issued by the Registrar of Cooperative Societies in Circular No.3/2018 (Rc.No.10243/2018/WPA1) dated 25.04.2018 which was issued pursuant to the order of this Court passed in W.P.No.2103 of 2018 dated 12.02.2018 in accordance with law.

For Petitioner : Mr.L.P.Shanmugasundaram

For Respondents : Mr.E.P.Senniyangiri  
Government Advocate for R1 to R4  
Mr.S.Ravikumar  
Special Government Pleader for R5

### **ORDER**

The petitioner seeks for a mandamus calling upon the respondents 1 to 3 to transfer the surcharge proceedings pending before the fifth respondent to any other competent officer and to commence a fresh enquiry and dispose of the same.

2. The petitioner was elected as a President of VL.Spl.122, Jambukulam Primary Agricultural Cooperative Society Limited. He held



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the office between 2014 – 2023. After he demitted his office, one M.Varalakshmi, Cooperative Sub Registrar (PDS) initiated an enquiry under Section 81 of the Tamil Nadu Co-operative Societies Act, 1983 on the direction of the Deputy Registrar/4<sup>th</sup> respondent.

3. Based on the enquiry dated 05.05.2025, she submitted a report to the third respondent stating that the petitioner had misappropriated a sum of Rs.14,22,784/-, while sanctioning loans to five Women Self Help Groups. On the basis of the enquiry report, the 3<sup>rd</sup> respondent issued a Show Cause Notice to the petitioner under Section 36, and proceedings were initiated under Section 87 of the Tamil Nadu Cooperative Societies Act, 1983.

4. The petitioner alleges that the fifth respondent herein did not permit the counsel to assist him during the course of the proceedings, and alleges that if the fifth respondent continues as an enquiry officer, he will not get justice at her hands. Hence, the present writ petition.

5. When the matter came up for admission on 16.10.2025, Mr.E.P.Senniayangiri, took notice for respondents 1 to 4. Private notice was ordered to the fifth respondent.

6. Mr.S.Ravikumar, Special Government Pleader, takes notice for



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the fifth respondent.

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7. Today, I heard Mr.L.P.Shanmugasundaram for the petitioner, Mr.E.P.Senniayangiri for respondents 1 to 4 and Mr.S.Ravikumar for the fifth respondent.

8. The learned counsel appearing for the fifth respondent states that she has been conducting the proceedings in accordance with the Rules, and that it was the petitioner, who wanted certain deviations from the accepted procedures with respect to the cross examination, which she did not accede to. She states the allegations made against her are not true and that the intention of the petitioner is only to drag on the proceedings and ensure that the surcharge proceedings under Section 87 of the Tamil Nadu Cooperative Societies Act, 1983 are not concluded.

9. Mr.L.P.Shanmugasundaram, relies upon an order passed by this Court in W.P.No.13286 of 2025 dated 29.05.2025, whereunder, the surcharge proceedings were transferred from the file of the enquiry officer to the file of another officer on the ground of violation of principles of natural justice.

10. Mr.L.P.Shanmugasundaram states that the fourth respondent in that writ petition is the fifth respondent herein. He pleads that if the



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proceedings were to continue before the fifth respondent, the petitioner will not get justice.

11. Mr.E.P.Senniyanigiri, on instructions, states that the intention of the society is not to crucify anyone, but to ensure that the proceedings attained a finality. He states that the respondents have no objection, if the proceedings are transferred to Mr.S.Sivamani, Deputy Registrar of Cooperative Societies (PDS), Ranipet District. He states that Mr.S.Sivamani is in the same rank as the fifth respondent.

12. Considering the pleas of both sides, I pass the following directions :

(i) The fifth respondent shall, within one week from today, hand over the papers in Na.Ka.No.1459/2025/SF.Tha. Thee.No.02/2025-2026, dated 24.09.2025 to Mr.S.Sivamani, Deputy Registrar (PDS), Ranipet District;

(ii) Mr.S.Sivamani shall commence the proceedings from the stage in which the proceedings have been transferred;

(iii) Mr.S.Sivamani shall complete the proceedings within six months from the date on which he receives the records;



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(iv) The request that the petitioner seeks on the mode of enquiry

can be made to Mr.S.Sivamani and if the Rules, so permit them,

Mr.S.Sivamani shall consider the same;

(v) It is made clear that the transfer is made on account of the apprehension of the writ petitioner. This Court has not expressed any opinion on the 5<sup>th</sup> respondent. The transfer, is not and will not operate as a slur on the name of the fifth respondent.

13. The Writ Petition is ordered. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

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Speaking order/non-speaking order

Index : Yes/no

ms

To

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3. The Joint Registrar of Cooperative Societies,  
District Collectorate, Ranipet District.
4. The Surcharge Officer/  
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**V. LAKSHMINARAYANAN, J.**

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