



W.A.No.3158 of 2025

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

DATED: 22.10.2025

CORAM:

**THE HONOURABLE MR.JUSTICE R.SURESH KUMAR**

**and**

**THE HONOURABLE MR.JUSTICE S.SOUNTHAR**

**W.A.No.3158 of 2025**  
**and C.M.P.No.25703 of 2025**

N.Dilipkumar

... Appellant

**Vs.**

1.The Deputy Registrar of Cooperative Societies,  
Cuddalore Circle,  
Cuddalore.

2.The Cooperative Sub-Registrar /  
A Section Superintendent /  
Inspection officer u/s 82 of the Act,  
O/o Deputy Registrar of Cooperative Societies,  
Cuddalore Circle,  
Cuddalore.

... Respondents

**Prayer:** Writ Appeal is filed under Clause 15 of the Letters Patent, praying to set aside the order passed in W.P.No.4799 of 2025, dated 15.09.2025 and consequently, quash the order of the 1<sup>st</sup> respondent in Na.Ka.No.2675/2024 Ve(2024CUD18201) dated 15.10.2024.

For Appellant : Mr.M.S.Palaniswamy

For R1 and R2 : Mr.S.Ravikumar  
Special Government Pleader



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## **J U D G M E N T**

(Judgment of the Court was delivered by S.SOUNTHAR, J.)

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This intra court appeal is filed challenging the order passed by the learned Single Judge dismissing the writ petition filed by the appellant questioning the order passed by the 1<sup>st</sup> respondent ordering enquiry into the affairs of Cuddalore District Central Co-operative Bank under Section 82 of Tamil Nadu Co-operative Societies Act, 1983.

2. The learned Single Judge dismissed the writ petition filed by the appellant mainly on the ground that the 1<sup>st</sup> respondent, on his subjective satisfaction ordered enquiry into the affairs of the Society and any report filed pursuant to the enquiry will not affect the petitioner, as the purpose of enquiry is mere fact finding in nature. Aggrieved by the same, the writ petitioner/appellant has filed this appeal.

3. The learned counsel appearing for the appellant submitted that as per Section 82 of Tamil Nadu Co-operative Societies Act, 1983, only a Creditor of the Society can file an application before the 1<sup>st</sup> respondent seeking enquiry under the said section and in the case on hand, as per the reference in the impugned order, an enquiry was ordered by the 1<sup>st</sup>



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respondent based on the communication from the Assistant General Manager (Administration), Cuddalore District Central Co-operative Bank and the same is untenable in law. The learned counsel further submitted that there was some prior enmity between the Assistant General Manager (Administration) and the appellant/writ petitioner. Therefore, he furnished false information to the 1<sup>st</sup> respondent and the same cannot be basis for ordering enquiry. The learned counsel also submitted that the procedures contemplated under Rule 104 of the Tamil Nadu Co-operative Societies Rules, 1988 have not been complied before ordering enquiry. An enquiry under Section 82 of the Tamil Nadu Co-operative Societies Act, 1983 is exploratory in nature and any adverse report will not cause any prejudice to the writ petitioner. If the 1<sup>st</sup> respondent is satisfied based on the enquiry ordered by him under Section 82 of the Tamil Nadu Co-operative Societies Act, 1983, he can proceed further under Section 87 of said Act and in that case, all the affected parties including the writ petitioner are entitled to put forth their case. Adverse orders, if any can only be passed after proper enquiry under Section 87 of the Tamil Nadu Co-operative Societies Act, 1983. The scope of enquiry under Section 82 of the Tamil Nadu Co-operative Societies Act, 1983 is exploratory in nature. The object of the enquiry is to find any defect in affairs of the Society.



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Therefore, the impugned order passed by the 1<sup>st</sup> respondent ordering an enquiry under Section 82 of the Tamil Nadu Co-operative Societies Act, 1983 *per se* will not cause any prejudice to the writ petitioner to enable him to challenge the same.

4. The learned counsel appearing for the appellant vehemently contended that the Assistant General Manager (Administration) is not a Creditor of the Society and therefore, he cannot file an application seeking an enquiry under Section 82 of the Tamil Nadu Co-operative Societies Act, 1983. A close perusal of Section 82 of the Tamil Nadu Co-operative Societies Act, 1983 would reveal that the 1<sup>st</sup> respondent either on his own motion or on an application submitted by the Creditor of the Society can order enquiry into the affairs of the Society. In the case on hand, based on the letter addressed to him by the Assistant General Manager (Administration), Cuddalore District Central Co-operative Bank dated 05.10.2024, the 1<sup>st</sup> respondent ordered an enquiry. Certainly, the Assistant General Manager (Administration) cannot be treated as Creditor of the Society. However, the communication from him is the source of information for the 1<sup>st</sup> respondent based on which, he got subjective satisfaction about the need for enquiry under Section 82 of the Tamil



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Nadu Co-operative Societies Act, 1983 and accordingly, passed impugned order.

5. When the 1<sup>st</sup> respondent has got power to order enquiry *suo motu*, the impugned order passed by him based on the information furnished by Assistant General Manger (Administration) cannot be faulted. Therefore, this Court comes to the conclusion that the impugned order has been passed by the 1<sup>st</sup> respondent based on his *suo motu* power under Section 82 of the Tamil Nadu Co-operative Societies Act, 1983 and not based on the application filed by the Creditor of the Society. Hence, the said submission made by the learned counsel appearing for the appellant is repelled.

6. The learned counsel also submitted that the procedures contemplated under Rule 104 of the Tamil Nadu Co-operative Societies Rules, 1988, have not been complied with in the instant case. The procedures under Rule 104 of the Tamil Nadu Co-operative Societies Rules, 1988, will get attracted only in cases where an application filed by the Creditor of the Society. As mentioned earlier, based on the information received by him, the 1<sup>st</sup> respondent passed the impugned



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order by exercising his *suo motu* power and hence, the procedures contemplated under Rule 104 of the Tamil Nadu Co-operative Societies Rules, 1988 are not attracted in the present case.

7. The learned counsel appearing for the appellant submitted that there was enmity between Assistant General Manager (Administration) and writ petitioner and hence, he furnished false information before the 1<sup>st</sup> respondent. A perusal of the writ affidavit would indicate that the writ petitioner has not stated anything regarding enmity between writ petitioner and Assistant General Manager (Administration) in his writ affidavit. The oral submission made by the learned counsel appearing for the appellant is not supported by the affidavit of the writ petitioner before the Writ Court. In such circumstances, this Court is not inclined to consider the said submission made by the learned counsel appearing for the appellant.

8. As mentioned earlier, even in case of any adverse finding in the enquiry under Section 82 of the Tamil Nadu Co-operative Societies Act, 1983, if any further action is taken by the 1<sup>st</sup> respondent, there will be an enquiry and the petitioner will get an opportunity to put forth his case. In



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such circumstances, the impugned proceedings of the 1<sup>st</sup> respondent ordering an investigative enquiry into the affairs of the Society has not caused any prejudice to the writ petitioner. Therefore, we agree with the conclusion of the learned Single Judge.

9. Accordingly, the Writ Appeal stands dismissed. No costs. Consequently, the connected civil miscellaneous petition is closed.

**(R.S.K., J) (S.S., J)**  
**22.10.2025**

Index : Yes  
Speaking order : Yes  
Neutral Citation : Yes  
dm

To

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