



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-12-2025

CORAM

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

**WP No. 47953 of 2025
and W.M.P.No.53546 of 2025**

1. N.Regina
W/o.I.S.Sujeesh Kumar,
Door No. 10/137,C2b-kothovayal,
Gudaloor Post, Nilgiris -643 212.

Petitioner(s)

Vs

1. The Deputy Registrar Of Cooperative
Societies,
Block IV Additional Collectorate
Campus, Finger Post,
Udhagamandalam -643 006,
Nilgiris District.

2.The President,
NG5, Thirumurugan Primary
Agricultural Co-operative Credit
Society Limited, 13/127 B, Pandalur
Bazaar, Pandalur Post,
Nilgiris -643 233.

Respondent(s)

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India
praying for a writ of certiorari calling for the entire records in pursuant to the
impugned surcharge order in proceedings No. Na.Ka.No. 1733 / 2023 / Sa Pa
(Tha.The.No 1/2024) dated 07.10.2024 (received on 14.11.2025) passed by the
1st respondent herein in so far as Petitioner is concerned and quash the same.



For Petitioner : Mr.A.Deivasigamani

For Respondent: Ms.Geetha Thamarai Selvan
Additional Govt. Pleader for R1

Mr.B.Tamil Nidhi,
Additional Govt. Pleader for R2

ORDER

The writ petitioner challenges an order of surcharge.

2. Though several grounds have been raised by Mr.A.Deivasigamani, I am not inclined to go into those grounds since the major plea is that a copy of the enquiry report, the documents and the deposition of witnesses given during the course of enquiry under Section 81 of the Tamil Nadu Cooperative Societies Act, were not furnished to the petitioner.

3. Taking note of this allegation, I called upon Ms.Geetha Thamaraiselvan, learned Additional Government Pleader appearing for the first respondent and Mr.Tamil Needhi, learned Additional Government Pleader, appearing for the second respondent, to get the instruction from their clients as to whether the copies of the aforesaid documents had been served on the petitioner.



4. Ms.Geetha Thamaraiselvan, has been instructed by The Deputy Registrar of Cooperative Societies, Udhagamandalam Circle, The Nilgiris, in writing. The instructions dated 09.12.2025. The instructions, in so far as the supply of 81 enquiry report and the documents relied therein, reads as follows:

“ REGARDING ACCESS TO SECTION 71 ENQUIRY REPORT

The petitioner’s grievance in paragraphs 8,9 and Ground(d) regarding non-supply of the Section 81 enquiry report and related documents is completely devoid of merit. The law does not mandate that copies of such voluminous documents must be supplied by post, particularly when the party is provided with unrestricted access to inspect and take copies at the office. In the present case, the enquiry report along with 47 supporting documents and 12 witness depositions was available for inspection, and the petitioner was informed of this fact through multiple communications. The office even offered to provide photocopies upon payment of fees as per rules. The petitioner’s failure to avail this facility cannot be construed as denial of documents. Moreover, the surcharge proceedings are independent proceedings under Section 87, and while they may be based on the findings of a Section 81 enquiry, the respondent is entitled to present fresh evidence and make submissions during the surcharge proceedings. The petitioner was provided full opportunity to do so, which she deliberately avoided.”

5. This instruction shows that the petitioner has not been served with the copy of 81 enquiry report, the documents and the deposition of witnesses. The first respondent has however instructed that it was kept ready for the perusal of the petitioner in the office of the first respondent.



6. The position is no longer *res integra*. It has been settled by a judgment of this Court in *L.Ranganathan Vs. The Deputy Registrar of Cooperative Societies 2006 Supreme(Mad) 2275*. The Hon'ble Mr.Justice P.Jyothimani, relying upon the earlier judgment of this Court in *M.Sambandam Vs. The Deputy Registrar (Credit) Cooperative Societies Act, Mylapore and others, 1999(3) MLJ 310*, has held that without serving a copy of the enquiry report, surcharge proceedings cannot be initiated. On the facts of that case, he had held that the copy of the enquiry report had not been served and consequently, quashed the surcharge proceeding granting liberty to the respondent therein to initiate fresh proceedings, after service of the copy of the report.

7. Ms.Geetha Thamaraiselvan pleads that the petitioner has an alternate remedy under Section 152 of the Tamil Nadu Cooperative Societies Act before the Cooperative Tribunal-cum-Principal District Judge, Nilgiris.

8. The existence of an alternate remedy is normally a ground for this Court not to consider the writ petition on merits. The exception to the doctrine of alternate remedy is violation of the principles of natural justice.

9. Failure to furnish a copy of the enquiry report, the documents and depositions relied therein, amounts to violation of principles of natural justice, as it affects the right of the petitioner to set up a defense during the course of 87



enquiry. However, vile allegations may be against the petitioner, it is the duty of the respondents, who are the statutory authorities to comply with the principles of natural justice and thereafter, proceed to pass orders.

10. Following the precedent laid down in L.Ranganathan's case (*cited supra*), the impugned order is quashed. The first respondent shall furnish a copy of the 81 enquiry report, the documents and evidence to the writ petitioner within a period of two weeks from today. The petitioner is granted two weeks time to peruse the documents so furnished and submit an explanation, if, she so finds it necessary. Thereafter, the first respondent shall proceed with the enquiry under Section 87 and pass an order within a period of four weeks therefrom.

11. With the above directions, this Writ Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

10-12-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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Note to Office: Issue order copy by 11.12.2025.

To



1.The Deputy Registrar Of Cooperative Societies,
Block IV Additional Collectorate Campus,
Finger Post, Udhagamandalam -643
006,Nilgiris District.

2.The President,
NG5, Thirumurugan Primary Agricultural Co-
operative Credit Society Limited, 13/127 B,
Pandalur Bazaar, Pandalur Post, Nilgiris -643
233.



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**V.LAKSHMINARAYAN
AN J.**

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