



W.P.(MD)No.148 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 09.01.2025

CORAM:

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.148 of 2024

and

W.M.P(MD).No.168 of 2024

V.Pauldurai

... Petitioner

Vs.

1. The Deputy Registrar of Cooperative Societies,
Office of the Deputy Registrar of Cooperative Societies,
Kovilpatti Circle,
Thoothukudi District.
2. The Administrator,
TN.Spl.215, Venkatachalapuram Primary
Agricultural Cooperative Credit Society,
Thoothukudi District.
3. Miss.Samuthirakani,
Inquiry Officer,
Cooperative Sub-Registrar/Field Officer,
Kayatharu Block,
Office of the Deputy Registrar of Cooperative Societies,
Kovilpatti Circle,
Thoothukudi District.

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the 1st respondent to consider the petitioner's representation dated 14.12.2023 and order to conduct fresh inquiry/re-inquiry in the TN.Spl.215, Venkatachalapuram Primary Agricultural Cooperative Credit Society by appointing any other competent Inquiry Officer/Cooperative Sub-Registrar in accordance with Section 81 of the Tamil Nadu Cooperative Societies Act.

For Petitioner : Mr.D.Shanmugaraja Sethupathi

For R1 & R2 : Mr.A.Baskaran
Additional Government Pleader

For R3 : No Appearance

ORDER

The instant Writ Petition has been filed by the Secretary of the 2nd Respondent Cooperative Society seeking a Mandamus as against the 1st Respondent to consider the Petitioner's representation dated 14.12.2023.



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2. A perusal of the records reveals that proceedings under Section 81 of the Tamil Nadu Cooperative Societies Act were initiated as against the Writ Petitioner and two others. The Writ Petitioner received summons to appear for enquiry on 12.12.2023 and a report was submitted by the 3rd Respondent on 22.12.2023.

3. According to the learned counsel appearing for the Writ Petitioner the same enquiry officer was appointed on an earlier occasion and due to personal animosity, she has given adverse orders as against the Writ Petitioner. Therefore, when the Writ Petitioner received notice from the 3rd Respondent for the present enquiry, a request was made to appear on a different date. However, such request was not acceded to and the 3rd Respondent has proceeded to continue with the enquiry and submitted a report on 22.12.2023.

4. In the light of the above said facts, the Writ Petitioner has given a representation to the 1st Respondent on 14.12.2023 to conduct a fresh enquiry by appointing another competent enquiry officer. This representation was kept pending and hence, the present Writ Petition has been filed for a mandamus.



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5. Without going into the merits of the case, this Court directs the 1st Respondent to consider the representation of the Petitioner dated 14.12.2023 and pass appropriate orders on merits and in accordance with law within a period of eight (8) weeks from the date of receipt of a copy of this order. No costs. Consequently, the connected Miscellaneous Petition is closed.

09.01.2025

NCC :yes/No
Index :yes/No
Internet:yes/No
rgm



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To

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R.VIJAYAKUMAR, J.

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