



W.P.(MD)No.7342 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.7342 of 2025

and

W.M.P.(MD)Nos.5544 and 5546 of 2025

M.Thirumavalavan

... Petitioner

-VS-

1.The Deputy Registrar of Co-operative Societies,
87 Surcharge Enquiry Officer,
Office of the Deputy Registrar of Co-Operative Societies,
Sivaganga Circle,
Sivaganga District.

2.The Cooperative Sub Registrar / Field Officer,
81 Enquiry Officer,
R S 837 Sivagangai District Consumer Cooperative
Wholesale Stores, Sivaganga,
Sivaganga District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorari, to call for the records relating to the Impugned Surcharge Order of the first respondent vide Na.Ka.No.4150/2023/sa.ba. Surcharge Case No.1 of 2023 dated 30.04.2024 and quash the same and consequently, quash the impugned 81 enquiry report of the second respondent dated 04.09.2023 insofar as the petitioner is concerned.



W.P.(MD)No.7342 of 2025

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For Petitioner : Mr.S.Karthikeyan
For Respondents : Mr.K.S.Selva Ganesan
Additional Government Pleader

ORDER

This writ petition is filed seeking to quash the impugned surcharge order of the first respondent, dated 30.04.2024 and also to quash the impugned 81 enquiry report of the second respondent, dated 04.09.2023, insofar as the petitioner is concerned.

2. The learned counsel appearing for the petitioner submits that the second respondent, who is junior to the petitioner, ought not to be the enquiry officer to conduct an enquiry against the petitioner under Section 81 of the Tamil Nadu Co-operative Societies Act, 1983 (hereinafter referred to as 'the Act'). Furthermore, the first respondent holds the position of Deputy Registrar of Co-operative Societies, which is equivalent to the petitioner's cadre. Therefore, the first respondent is not the competent person to conduct the surcharge proceedings under Section 87 of the Act. Therefore, the orders impugned in this writ petition, are liable to be set aside.



W.P.(MD)No.7342 of 2025

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3. Mr.K.S.Selva Ganesan, learned Additional Government Pleader appearing for the respondents submits that the petitioner is having an appeal remedy before the appellate authority under Section 152 of the Act. However, without invoking the appeal remedy, the petitioner has straightaway approached this Court.

4. Recording the submission made by the learned Additional Government Pleader that the petitioner is having an appeal remedy before the appellate authority under Section 152 of the Act, this writ petition is disposed of, with liberty to the petitioner to approach the appellate authority and raise all the grounds raised in this writ petition in the appeal. In the event, if any appeal is filed within a period of two weeks from the date of receipt of a copy of this order, the appellate authority shall entertain the appeal without reference to the period of limitation and dispose of the same in accordance with law, within a period of three months thereafter. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

NCC : Yes / No
Index : Yes / No
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18.03.2025



W.P.(MD)No.7342 of 2025

WEB COPY

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W.P.(MD)No.7342 of 2025

VIVEK KUMAR SINGH, J.

smn2

W.P.(MD)No.7342 of 2025

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