



W.P.(MD)No.6587 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.6587 of 2025

M.Nainar

: Petitioner

Vs.

The Deputy Registrar of Cooperative Societies (Milk),
Surcharge Officer,
Tirunelveli.

: Respondent

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondent to furnish all the required relevant documents to the petitioner and follow the principles of natural justice as enumerated under Section 87(4) of Tamilnadu Cooperative Societies Act, 1983 and also the guidelines issued by the Registrar of Cooperative Societies in the Circular No.3 of 2018 dated 07.01.2024 based on the petitioner's representation dated 10.02.2025.

For Petitioners : Mr.T.Veerakumar

For Respondent : Mr.K.S.Selvaganesan

Addl. Govt. Pleader



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ORDER

This Writ Petition has been filed seeking a direction to the respondent to furnish all the required relevant documents to the petitioner and follow the principles of natural justice as enumerated under Section 87(4) of Tamilnadu Cooperative Societies Act, 1983 and also the guidelines issued by the Registrar of Cooperative Societies in the Circular No.3 of 2018 dated 07.01.2024 based on the petitioner's representation dated 10.02.2025.

2. Heard the learned counsel for the parties. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3. The petitioner asserts that the respondent issued a show-cause notice dated 22.01.2025 for surcharge proceedings under Section 87 of the Tamil Nadu Cooperative Societies Act, following an enquiry. The petitioner's grievance is that he was not provided with a copy of the enquiry report or the relevant records. In this regard, he submitted a representation on 10.02.2025, requesting the respondent to furnish a copy



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of the enquiry report and the relevant records. However, since no action has been taken, the petitioner has now filed the present writ petition.

4. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon him to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of the Constitution of India and direct them to consider the same within a stipulated time.

5. In the light of the above observations, there shall be a direction to the respondent, to consider the petitioner's representation dated 10.02.2025, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner, as well as all other persons, who may be interested in the subject matter, within a period of eight weeks from the date of receipt of a copy of this order. It is also made clear that this Court has not expressed any of its



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views with regard to the merits of the matter and that it is open to the respondent to consider the same on its own merits.

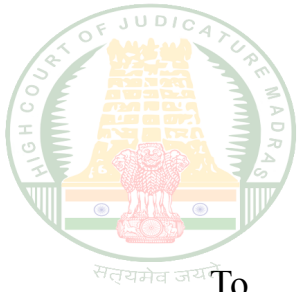
6. With the above directions, the Writ Petition stands disposed of. There shall be no order as to costs.

12.03.2025

Index : Yes / No

Internet : Yes / No

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To
The Deputy Registrar of Cooperative Societies (Milk),
Surcharge Officer,
Tirunelveli.



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VIVEK KUMAR SINGH, J.

PKN

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