



W.P(MD)No.7990 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.12.2025

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.7990 of 2024

and

W.M.P.(MD)Nos.7249 and 7251 of 2024

S.S.Sivasubramanian

... Petitioner

Vs

1. The Deputy Registrar,
Housing Societies,
Madurai Regional Cooperative Societies,
Baskar Complex,
Chinnachokikulam,
Madurai-625 002.

2. The Administrator,
A 2083, Sellur Cooperative Housing Society,
Sekkaditheru,
Narimedu,
Madurai-2.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari calling the records relating to the suspension proceedings of the 2nd respondent dated 15.03.2024 and consequential charge memo proceedings dated 15.03.2024 issued against the petitioner and quash the same.



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For Petitioner : Mr.R.Murali

For Respondents : Mr.C.Venkatesh Kumar
Special Government Pleader

ORDER

The petitioner is an erstwhile Secretary of the second respondent housing Society. He was issued with a charge memo on 15.03.2024 and placed under suspension on the same day. The order of suspension and the charge memo are challenged in this writ petition.

2.The learned Counsel for the petitioner has mainly attacked the order impugned in this writ petition on the ground of jurisdiction and also on delay and laches. For the alleged transactions said to have taken place in the housing Society in between 2001 and 2004, a charge memo was issued after a period of 20 years i.e., in the year 2024. The learned Counsel submitted that the entire transactions were made by the elected President and other office bearers. Without initiating any proceedings against those elected office bearers, disciplinary proceedings has been contemplated as against the petitioner, that too in the year 2024, when he



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is in the verge of his retirement.

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3.In response, the learned Special Government Pleader appearing for the first respondent submitted that the second respondent is the competent person as per Section 89 of Tamil Nadu Cooperative Societies Act and therefore, the order cannot be faulted that it has been issued without any jurisdiction. With regard to the delay and laches as pointed out by the learned Counsel for the petitioner, the learned Special Government Pleader for the first respondent submitted that the petitioner as a Secretary has issued 77 bogus housing loan in between 2001 and 2004 and thereafter, there was no transaction in the second respondent housing Society. The housing Society had virtually become defunct for want of fund and all the officers in the housing Society were transferred to other societies. The complaints received by the Registrar as against the petitioner were enquired and the enquiry report under Section 81 of Tamil Nadu Cooperative Societies Act has been filed only on 22.06.2023, pointing out the manner in which the bogus housing loans were issued. The enquiry Officer has recommended for surcharge proceedings and disciplinary proceedings and therefore, surcharge proceedings was initiated as against the petitioner, the then Secretary and the disciplinary



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proceedings was initiated against the petitioner by issuing the impugned suspension order and charge memo. Therefore, according to the learned Special Government Pleader, there is a justification for the delay and laches.

4.This Court considered the rival submissions made.

5.The impugned suspension order and charge memo were issued by the second respondent and he is the competent authority as provided under Section 89 of Tamil Nadu Cooperative Societies Act and therefore, this court is not inclined to accept the first contention made by the petitioner. With regard to the delay and laches, a convincing answer has been given by the respondents that there was no financial transactions from 2005 onwards in the housing Society and all officers have been transferred to some other housing Societies and the fraud committed on the society was revealed only pursuant to the enquiry report filed under Section 81 of Tamil Nadu Cooperative Societies Act. Therefore, it appears that there is some justification for this inordinate delay. The charge memo reveals that 77 bogus loans have been issued in between 2001 and 2004. Therefore, this court is not inclined to accept the other



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contentions made on the delay and laches also.

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6.The learned counsel for the petitioner submits that the petitioner has been suspended on 15.03.2024. However, he was not provided with any subsistence allowance.

7.Though the petitioner has challenged the suspension order and the charge memo, this Court has not granted any interim order preventing the respondents from proceeding with the charge memo. It is the respondents who have not proceeded with the charge memo from 15.03.2024. Pending the disciplinary proceedings, the petitioner who is placed under suspension is entitled to receive the subsistence allowance as per the Subsistence Allowance Act.

8.Therefore, while dismissing this writ petition, this Court directs the respondents to provide subsistence allowance and also directs the respondents to conclude the disciplinary proceedings within a period of three months from the date of receipt of a copy of this order. The petitioner is also at liberty to raise all the grounds which are raised in this writ petition before the enquiry officer.



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9. Accordingly, the writ petition is dismissed. No Costs.

Consequently, the connected miscellaneous petitions are closed.

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Internet :Yes
Index :Yes/No
NCC :Yes/No

LR

To

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