



W.P(MD)No.14945 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.11.2025

CORAM

THE HONOURABLE MS.JUSTICE P.T.ASHA

Writ Petition(MD)No.14945 of 2018

and

W.M.P(MD)Nos.13510 and 15405 of 2018

R.K.Palanivel

..Petitioner

Vs

- 1.The Registrar of Co-operative Societies,
No.170, N.V.N.Maalgai,
Chennai – 10.
- 2.The Deputy Registrar of Co-operative Societies,
Pattukottai Circle,
Pattukottai,
Thanjavur District.
- 3.The Co-operative Sub Registrar / Enquiry Officer,
U/s 81 of the Tamil Nadu Co-op Societies Act,
O/o Deputy Registrar of Co-op Societies,
Pattukottai Circle,
Pattukottai,
Thanjavur District.
- 4.T.1026, Mavadukurichi Primary Agricultural,
Co-operative Credit Society Ltd.,
Rep. by its Administrator,
Peravurani, Thanjavur 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 Certiorarified Mandamus to call for the records of the second respondent in his surcharge notice Na.Ka.1634/2018 sa.pa, dated 22.06.2018 quash the same and direct the 2nd respondent not to precipitating any penal action under the criminal law against the petitioner in respect of issue covered by surcharge notice, which could be violation of Article 14 and 21 of Constitution of India.

For Petitioner : Mr.G.Prabhu Rajadurai

For Respondents : Mr.A.Kannan
Addl. Govt. Pleader

ORDER

This writ petition has been filed seeking issuance of a Writ of Certiorarified Mandamus to call for the records of the second respondent relating to the surcharge notice in Na.Ka.No.1634/2018 Sa.Pa., dated 22.06.2018, quash the same, and consequently direct the second respondent not to initiate any penal or criminal action against the petitioner in respect of the issues covered under the said surcharge notice, as the same would amount to violation of Articles 14 and 21 of the Constitution of India.



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2. Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents. Perused the materials available on record.

3. The petitioner submits that he was the elected President of the fourth respondent society. The Field Officer/Administrator, in collusion with the then Secretary, initiated a no-confidence motion against the petitioner, which was ordered by the second respondent. Challenging the said no-confidence motion, the petitioner preferred a revision before the first respondent on 10.09.2017. The revision petition filed under Section 153 of the Tamil Nadu Co-operative Societies Act was allowed in favour of the petitioner. Based on the report dated 30.06.2017 submitted by the Field Officer/Administrator to the second respondent, an enquiry under Section 81 of the Tamil Nadu Co-operative Societies Act was ordered into the affairs of the fourth respondent society. The very same Field Officer/Administrator was appointed as the Enquiry Officer. Challenging such appointment, the petitioner filed W.P.(MD)No.18331 of 2017, which was allowed on 12.10.2017. Thereafter, the second respondent appointed the third respondent as Enquiry Officer. The third respondent, without following the principles of natural justice, closed the enquiry on 19.12.2018 and submitted his report to the second respondent on 28.12.2018, in wilful disobedience of the interim orders passed by this Court in W.P.(MD)No. 21316 of 2017 dated 14.12.2017. Based on the said report, the second



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respondent issued the impugned surcharge notice in Na.Ka.No.1634/2018 Sa.Pa., dated 22.06.2018, in violation of the orders passed by this Court in W.P.(MD) No.21316 of 2017 dated 27.06.2018. Challenging the same, the present writ petition.

4. The learned counsel for the petitioner submitted that the impugned order was passed without affording any opportunity of hearing to the petitioner and without furnishing the required documents.

5. The learned Additional Government Pleader appearing for the respondents submitted that the writ petition is not maintainable either in law or on facts. It is contended that the impugned surcharge notice was issued strictly in accordance with the provisions of the Tamil Nadu Co-operative Societies Act, 1983, and the Rules framed thereunder, based on the findings of the statutory enquiry conducted under Section 81 of the Act.

6. On perusal of the impugned order, it is evident that the same was passed without affording an opportunity of hearing to the petitioner and without supplying the necessary documents. Therefore, without going into the merits of the matter, the impugned order is set aside. The writ petition is allowed, and the matter is remitted back to the second respondent. The second respondent is directed to furnish copies of the relevant documents to the petitioner on payment of the prescribed charges and, thereafter,



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consider the petitioner's objections, grant him a personal hearing, and pass a reasoned and detailed order after issuing notice to the petitioner as well as to any other interested parties, within a period of three months from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

03.11.2025

NCC : Yes/No

Index : Yes/No

Internet:Yes

skn

To

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P.T.ASHA, J.

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