



W.P.(MD) No.15065 of 2018

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.09.2025

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.15065 of 2018

and

W.M.P(MD)No.13643 of 2018

- 1.S.Anbalagan
- 2.A.Habib Badsha
- 3.R.Malarvizhi
- 4.Seval.M.Raja
- 5.R.Bhuvaneshwari
- 6.D.Ramesh
- 7.S.Pairoshbanu
- 8.S.Naga Jothi
- 9.B.Kaliyamoorthy

.. Petitioners

Vs.

- 1.The Registrar of Co-Operative Societies (Housing),
Tamil Nadu Housing Board Complex,
Nanthanam, Anna Salai,
Chennai - 600 035.



W.P.(MD) No.15065 of 2018

2. The Regional Deputy Registrar (Housing),
O/o. the Regional Deputy Registrar (Housing),
13/107, Ramalingaadikalar Trust Campus,
Daniel Thomas Nagar, Thanjavur - 613 007.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, to call for the records of the Surcharge Show Cause Notice dated 26.02.2018 as made under Section 87 of the Tamil Nadu Co-operative Societies Act, 1983, vide proceedings in Na.ka.688/2017/Sa Pa, dated 26.02.2018 on the file of the 2nd respondent herein and quash the same in so far as petitioners are concerned as it is illegal and arbitrary and consequently direct the 2nd respondent to drop all the proceedings against these petitioners also as per the order of the 1st respondent vide Na.Ka.No.2427/2016/Sa Pa 5, dated 23.05.2018.

For Petitioners : Mr.M.Aravind Subramaniam

For Respondents : Mr.D.Sasikumar
Additional Government Pleader

ORDER

The above writ petition is filed for a certiorarified mandamus calling for the records made in the surcharge order under Section 87 of the Tamil Nadu Cooperative Societies Act and direct the 2nd respondent



W.P.(MD) No.15065 of 2018

WEB COPY

to drop all the proceedings against the petitioners.

2. It is the case of the petitioners that the show cause notice dated 26.02.2018 was issued under Section 87 of the Act stating that the petitioners are liable to pay jointly a sum of Rs.7,95,71,193/- as they had caused loss to the Society by selling the plots at prices lower than the prevailing market value. The Secretary of the Society had filed W.P.No. 17875 of 2016 seeking direction to hold enquiry. This Court had ordered to conduct enquiry. Without furnishing the copy of the Section 81 enquiry report, the 1st respondent had passed order dated 19.09.2017 removing the petitioners from holding office of any registered Society in future on the ground that the petitioners had acted against the interest of the Society and contrary to the rules and regulations of the Act. The petitioner came to learn that an enquiry under Section 81 of the Act had been initiated. The petitioner would submit that to the best of his knowledge, no enquiry was conducted and either was the enquiry report served on him. Without service of the enquiry report, the petitioner has been served with the Section 87 surcharge notice and therefore,



W.P.(MD) No.15065 of 2018

aggrieved by the same, the petitioner is before this Court.

3. Heard the learned counsels on either side.

4. It appears that earlier the petitioners had filed W.P(MD)No.6830 of 2018 challenging the order impugned in this writ petition. One of the grievances therein was that they had not been served with the enquiry report. While dismissing the writ petition, the Court had passed the following directions to the 2nd respondent, namely The Regional Deputy Registrar of Co-operative Societies (Housing), who is also the 2nd respondent herein.

“3. However, the second respondent is directed to furnish a copy of the enquiry report submitted under Section 81 of the Tamil Nadu Co-operative Societies Act, 1983, to the petitioners, within a period of four weeks from the date of receipt of a copy of this order, and the petitioners are permitted to submit their objections, within a period of four weeks thereafter. Till the petitioners submit their objections, the second respondent is directed not to pass any final order.”



W.P.(MD) No.15065 of 2018

WEB COPY

5. Despite the above directions, the enquiry report has not been made available to the petitioners. Without knowing the contents of the enquiry report, the petitioners will not be in a position to effectively defend himself in Section 87 proceedings. After the order, it also appears that the petitioners herein had addressed a detailed communication to the respondents informing them that the enquiry report had not been obtained and therefore calling upon the respondents to drop the surcharge proceedings. As rightly pointed out by the learned Additional Government Pleader, the challenge is only to a surcharge notice. It is well open to the petitioners to submit their explanation and thereafter, the respondents can proceed to hear the petitioners and pass orders. However, in order to defend the Section 87 surcharge proceedings, the enquiry report has to necessarily be made available to the petitioners. Hence, the enquiry report shall be furnished to the petitioners within a period of two (2) weeks from the date of receipt of copy of this order. On receipt of the same, Section 87 proceedings shall be proceeded with, after giving an opportunity of personal hearing to the petitioners.



W.P.(MD) No.15065 of 2018

WEB COPY

6. With the above directions, this Writ petition stands disposed of.

No costs. Consequently, connected Miscellaneous Petition is closed.

18.09.2025

NCC : Yes/No

Index : Yes/No

Internet : Yes

gbg

To

1.The Registrar of Co-Operative Societies (Housing),
Tamil Nadu Housing Board Complex,
Nanthanam, Anna Salai,
Chennai - 600 035.

2.The Regional Deputy Registrar (Housing),
O/o. the Regional Deputy Registrar (Housing),
13/107, Ramalingaadikalar Trust Campus,
Daniel Thomas Nagar, Thanjavur - 613 007.



WEB COPY



W.P.(MD) No.15065 of 2018

P.T.ASHA, J.

gbg

W.P.(MD) No.15065 of 2018

18.09.2025