



C.M.P.(MD)No.13294 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 06.03.2025

CORAM:

**THE HON'BLE MRS JUSTICE J. NISHA BANU
AND
THE HON'BLE MRS JUSTICE S.SRIMATHY**

C.M.P.(MD)No.13294 of 2024
and
W.A.(MD)No.SR 67069 of 2024

- 1.The Registrar of Cooperative Societies,
O/o.the Cooperative Societies,
Kilpauk, Chennai.
- 2.The Additional Registrar of Cooperative Societies,
(Marketing, Planning and Development),
O/o.the Cooperative Societies,
Kilpauk, Chennai.
- 3.The Joint Registrar of Cooperative Societies,
Pudukkottai Region,
Pudukkottai.
- 4.The Deputy Registrar of Cooperative Societies,
Aranthangi, Pudukkottai District.
- 5.The cooperative Sub-Registrar,
Enquiry Officer,
MM-574, Kattathi Primary Agriculture
Cooperative Credit Society,
Karambakudi Block,
Pudukkottai District.

...Petitioners

Vs



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1.P.Anandam

WEB COPY 2.K.Selvaraju

...Respondents/Respondents

PRAYER in C.M.P.(MD)No.13294 of 2024: Petition-filed Under Clause 5 of the Limitation Act, to condone the delay of 577 days in preferring the writ appeal against the order passed in W.P.(MD)No.14748 of 2019 dated 14.12.2022.

Prayer in W.A.(MD)No.SR 67069 of 2024:Writ Appeal- filed under Clause 15 of the Letters Patent Act, to set aside the order dated 14.12.2022 made in W.P. (MD)No.14748 of 2019.

For Petitioners	: Mr.S.S.Madhavan Additional Government Pleader
For R1	: Mr.S.Karthikeyan
For R2	: No Appearance

ORDER

(Order of the Court was made by **J.NISHA BANU, J.**)

This petition is filed to condone the delay of 577 days in filing the above writ appeal against the order of this Court dated 14.12.2022 in W.P. (MD)No.14748 of 2019.

2.The petitioners contended that due to some administrative reasons and the since the file got misplaced in the office of the fourth respondent, they



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were not able to file the appeal in time. Except these, no other sufficient reason was given by the petitioners/appellants.

3. Therefore, if the delay, that was occurred because of such casual manner is condoned, the same will encourage the Officials to be very careless in prosecuting the matter before the Court of law and such delay cannot be condoned mechanically without any proper reasons.

4. The first respondent was initially conducting enquiry about the irregularities in the Cooperative Societies. Thereafter, the said enquiry was handed over to the second respondent herein for some administrative reasons. During the enquiry process, the second respondent issued summon to the first respondent. The said summon was put to challenge in the writ petition on the ground that the first and second respondents are in the same cadre. As it is well settled that the enquiry officer should be above the rank of the person being enquired into, the learned Single Judge has rightly set aside the summon and allowed the writ petition directing the authorities concerned to appoint another enquiry officer above the rank of the writ petitioner/first respondent. Thus, we do not find any reason to interfere with the said order.



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5.At this juncture, the learned Additional Government Pleader appearing for the petitioners submits that the enquiry in this case has been completed. We are of the firm view that mere completion of enquiry will not sanctify the illegal enquiry.

6.Accordingly, this Civil Miscellaneous Petition is dismissed and consequently, the writ appeal is also rejected at the SR stage itself.

(J.N.B.,J.) (S.S.Y.,J.)
06.03.2025

Index : Yes/No
Internet : Yes/No
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