



WEB COPY

WP No. 11657 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-03-2026

CORAM

THE HON'BLE MR JUSTICE M.DHANDAPANI

WP No. 11657 of 2026

and

WMP Nos.12706 and 12710 of 2026

P.Vijay
S/o. Porkovan,
No.9/39, Sathyavani Street,
Velampatti Village and Post,
Pochampalli Taluk,
Krishnagiri District -600 010

..Petitioner

Vs

1. The Registrar of Cooperatives Societies
N.V. Natarajan Maaligai,
No.170 E.V.R. Periyar High Road,
Kilpauk, Chennai-600 010
2. The Joint Registrar of Cooperative Societies,
Krishnagiri
Krishnagiri District.
3. The Deputy Registrar of Cooperative Societies
Krishnagiri Circle,
Krishnagiri District.
4. The Administrator cum Deputy Registrar of
Cooperative Societies
S.495 Krishnagiri Taluk Agricultural Producers,
Cooperative Marketing Society Ltd.,
No.523 Gandhi Road,



Krishnagiri -635 001

5. Mrs. S. Arunkumar
Cooperative Sub Registrar /Field Officer,
(Uthangarai Taluk),
Section 81 Enquiry Officer,
S.495 Krishnagiri Taluk Agricultural Producers,
Cooperative Marketing Society Ltd.,
No.523 Gandhi Road,
Krishnagiri -635 001

..Respondent(s)

Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the 3rd Respondent in Na.Ka. No.2504/2025/Pu.Vi(2025KRI28102) dated 06.11.2025 appointing the 5th Respondent (Inferior Officer) to inquire into the affairs of the 4th Respondent Cooperative Society which is administered by the Deputy Registrar of Cooperative Societies (Superior Officer) and quash the same as illegal and made in violation of Articles 14 of the Constitution of India and consequently, to direct the 1st and 2nd Respondent herein to appoint any other Officers who is higher in rank to the 4th Respondent, the Deputy Registrar of Cooperative Societies as Sec.81 Enquiry Officer under Tamil Nadu Cooperative Societies Act and Rules.

For Petitioner(s): Mr.S.Sathiaseelan

For Respondent(s): Ms.M.Geetha Thamaraiselvan for R1 to R3

Special Government Pleader

Mr.R.Bala Ramesh for R4

Mr.P.Ganesan for R5

Government Advocate



ORDER

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This petition has been filed challenging the impugned order dated 06.11.2025, appointing the 5th Respondent (an inferior officer) to inquire into the affairs of the 4th Respondent Cooperative Society which is administered by the Deputy Registrar of Cooperative Societies (a superior officer) and to quash the same as illegal and violative of Articles 14 of the Constitution of India, and consequently, to direct the 1st and 2nd Respondents herein to appoint any other officer who is higher in rank than the 4th Respondent, the Deputy Registrar of Cooperative Societies as the Sec.81 Enquiry Officer under Tamil Nadu Cooperative Societies Act and Rules.

2.The learned counsel for the petitioner would submit that the petitioner is working as an Assistant under the 4th respondent Cooperative Society and was placed under suspension on 07.11.2025 for the alleged shortfall in cash balance at the head office of the 4th respondent Society at Pochampalli to the tune of Rs.2,04,75,073/- as on 04.11.2025, detected during a surprise inspection conducted by the Administrator of the 4th respondent Society. It is further submitted that at the relevant point of time, the petitioner was working at the Krishnagiri Branch with effect from 27.02.2025 and also on duty there as on



04.11.2025. Thereafter, the 3rd respondent appointed the 5th respondent, who is serving as Cooperative Sub Registrar/Field Officer, Uthangarai Taluk (inferior officer) as the Enquiry Officer under Section Sec.81 of the Act to inquire into the financial affairs of the 4th respondent Society which is administered by the Deputy Registrar of Cooperative Societies (superior officer) for the period from 2019-2020 and from 01.01.2025 to 31.10.2025. The 5th respondent being a subordinate/inferior officer ought not to have been appointed as Enquiry officer to conduct an enquiry into the financial affairs /mismanagement/misappropriation in the 4th respondent society which is administered by the superior officer, namely, the Deputy Registrar of Cooperative Societies. Further, the 5th respondent being an inferior officer to the 4th respondent, is not competent to conduct any enquiry against the 4th respondent/ superior officer, and the issue has already been decided by a Single Judge of this Court in W.P No.3822 of 2025 dated 11.12.2025 wherein it was held that an inferior officer cannot be appointed as an Enquiry Officer against a superior officer. Accordingly, he prayed for appropriate orders.

3.Per contra, the learned Special Government Pleader appearing for the respondents 1 to 3 would submit that there are no allegations against the 4th respondent, and that the petitioner is only an employee of the 4th respondent. The 4th respondent had himself suspended the petitioner for the alleged



malpractices committed by him. No enquiry is pending against the 4th respondent. It is further submitted that only if an enquiry is conducted against the 4th respondent, the Enquiry Officer cannot be an inferior officer. In the present case, the 5th respondent is superior to the petitioner and is therefore competent to conduct the enquiry under Section 81 of the Tamil Nadu Cooperative Societies Rules, 1988. Hence, there is no legal bar. Accordingly, he prayed for dismissal of the present writ petition.

4.The learned counsel for the petitioner would further submit that, as per Rule 104 (3)(a) of the Cooperative Societies Rules, 1988, on receipt of an application or before ordering an inquiry or inspection or investigation, the Registrar shall examine whether there is any need to hold an inquiry or make an inspection or investigation, as the case may be. However, in the present case, without recording any such satisfaction, the 1st respondent/Registrar has appointed the 5th respondent as the Enquiry Officer, which is in clear violation of Rule, 104(3)(a) of the said Rules and is therefore unsustainable in law.

5.Heard the learned counsel appearing on either side and perused the materials on record.



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6.This Court finds no merit in the contention of the petitioner. The enquiry under Section 81 of the Tamil Nadu Cooperative Societies Act is only with respect to the affairs of the Society and not against the 4th respondent in his individual capacity. Further, the petitioner, being only an employee of the 4th respondent Society cannot challenge the appointment of the Enquiry Officer on such grounds. The 5th respondent, being competent to conduct such enquiry cannot be disqualified on the ground of alleged inferiority in rank to the 4th respondent. Accordingly, the writ petition is liable to be dismissed.

7.Accordingly, this Writ Petition stands dismissed. There shall be no order as to costs. Consequently, the connected miscellaneous petitions are closed.

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Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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M.DHANDAPANI, J.

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