



WEB COPY

WP No. 21825 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11-06-2026

CORAM

THE HON'BLE MS. JUSTICE P.T. ASHA

**WP No. 21825 of 2026
AND
WMP NO. 23676 OF 2026**

R.Rajendran

..Petitioner(s)

Vs

The Deputy Registrar of Co-operative Societies
Krishnagiri Circle
Krishnagiri.

..Respondent(s)

Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus to forbear the respondent from conducting the surcharge enquiry under Section 87(1) of the Tamil Nadu Co-operative Societies Act pursuant to the surcharge notice in tha.thee.No.01/2026/sa.pa.1 dated 30.04.2026 without furnishing the copies of the documents requested in petitioner's letter dated 18.05.2026 and 29.05.2026 and by strictly following the Circular issued by the Registrar of Co-operative Societies in Circular No.3/2018 (Rc.10243/2018/WPA1) dated 25.04.2018 while conducting the surcharge enquiry under section 87(4) of the Tamil Nadu Co-operative Societies Act.

For Petitioner(s): Mr.M.S.Palaniswamy

For Respondent(s): Mr.A.R.Balaji
Government Advocate

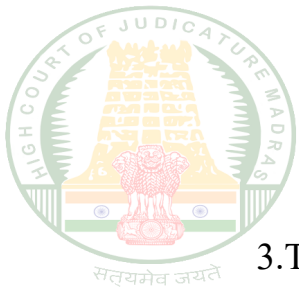


ORDER

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This writ petition has been filed to forbear the respondent from conducting the surcharge enquiry under Section 87(1) of the Tamil Nadu Co-operative Societies Act pursuant to the surcharge notice in tha.thee.No.01/2026/sa.pa.1 dated 30.04.2026, without furnishing the copies of the documents requested in petitioner's letter, dated 18.05.2026 and 29.05.2026, and by strictly following the Circular issued by the Registrar of Co-operative Societies in Circular No.3/2018 (Rc.10243/2018/WPA1) dated 25.04.2018 while conducting the surcharge enquiry under section 87(4) of the Tamil Nadu Co-operative Societies Act.

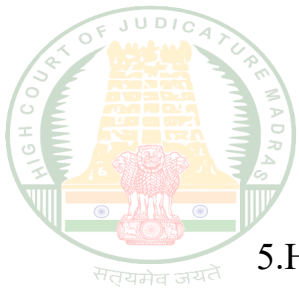
2.The petitioner states that he was originally appointed as Clerk in the Dharmapuri District Primary Agricultural Co-operative Credit Societies Employees Thrift and Credit Society on 09.02.1999. Later, the petitioner was promoted as Secretary on 09.10.2009 and posted to the respondent Society and he has rendered 23 years of unblemished service. While so, the petitioner was placed under suspension by proceedings dated 13.09.2023 without any valid reason. Subsequently, the suspension was revoked on 14.08.2024. No charge memo or disciplinary proceedings are pending as against the petitioner. The Management has not paid the salary for the past 23 months to the petitioner.



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3.The petitioner further states that the Registrar of Cooperative Societies has ordered an enquiry under Section 81 of the Tamil Nadu Cooperative Societies Act, 1983, (hereinafter referred to as “the Act” for brevity) into the affairs of the Society on 02.08.2025 in respect of alleged issuance of loan for the period from 2011-2012 to 31.03.2024. It is the contention of the petitioner that an enquiry was conducted without affording an opportunity to the petitioner to defend himself and an enquiry report was submitted on 01.12.2025. Based on the said report, the respondent has now issued a surcharge notice under Section 87 of the Act, dated 30.04.2026, directing the petitioner to submit his explanation, which was served on the petitioner only on 13.05.2026.

4.It is the grievance of the petitioner that, though several documents have been relied upon by the respondent in the surcharge notice, none of the documents has been furnished to the petitioner. Therefore, the petitioner submitted his representations, dated 18.05.2026 and 29.05.2026, seeking copies of the documents referred to in the surcharge report and the enquiry report and requesting reasonable time for submitting his explanation. However, without considering the same, the respondent has proceeded to issue summons, dated 27.05.2026, directing the petitioner to appear for surcharge enquiry on 10.06.2026. Hence, the petitioner has come forward with this writ petition with the above prayer.



5. Heard the learned counsel for the petitioner and Mr.A.R.Balaji, learned Government Advocate, who takes notice for the respondent.

6. The writ petitioner questions the surcharge enquiry on the ground that (a) the documents which was requested by him vide his letter dated 18.05.2026 has not been supplied to him and (b) without receiving his explanation, the Enquiry Officer has proceeded to issue summons and posted the matter for enquiry.

7. The very procedure is violative of principles of natural justice. A surcharge notice has been issued to the petitioner, wherein, certain documents are referred to. The respondent is bound to serve copies of the documents upon the petitioner, so as to enable him to give his explanation and it is only after receipt of the explanation filed within a reasonable time, that the enquiry can be proceeded with. Admittedly, in the instant case, none of the above has been complied with by the respondents.

8. Therefore, this writ petition is allowed with the following directions :

- i. Within two weeks from the date of receipt of a copy of this order, the documents referred to in the surcharge notice dated 30.04.2026 and the enquiry report dated 01.12.2025, shall be furnished to the petitioner;



ii. Within a period of four weeks therefrom, the petitioner shall submit his explanation;

iii. Thereafter, enquiry in surcharge proceedings will be proceeded with.

No costs. Consequently, connected miscellaneous petition is closed.

11-06-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

MKN

To

The Deputy Registrar of Co-operative Societies,
Krishnagiri Circle,
Krishnagiri.



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P.T.ASHA J.

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