

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31 .7 .2006

CORAM

THE HONOURABLE MR.JUSTICE M.JAICHANDREN

WRIT PETITION Nos.12879 to 12881 of 2003

and WVMP.Nos.642,644 of 2006
and WPMP.No.16136 of 2003.

A.Ramasamy ... Petitioner in All WPs

Vs.

1. The Assistant Director,
Handloom and Textiles,
Madurai - 625 020.
2. Thiru.M.Venkatesalu,
Handloom Inspector / Enquiry Officer,
MH 13, Perarignar Anna Weavers Cooperative
Society,
Presently at office of the Assistant Director,
No.5, Ramiah Street,
Shenoy Nagar,
Madurai - 625 020.
3. Special Officer,
MH 13, Perarignar Anna Weavers Cooperative
Society Limited,
Jakkampatti,
Andipatti Taluk,
Theni District.

... Respondents in All WPs

* * *

The Writ Petition has been filed praying for the issuance of a Writ of Certiorari, to call for the proceedings pertaining to Na.Ka.3216/2002/G, dated 19.03.2003, on the file of the first respondent and quash the same.

The Writ Petition has been filed praying for the issuance of a Writ of Certiorari, to call for the records pertaining to the proceedings made in Na.Ka.3216/2002/G2, dated 19.03.2003, on the file of the first respondent and quash the same.

The Writ Petition has been filed praying for the issuance of a Writ of Certiorari, to call for the records pertaining to the proceedings made in Na.Ka.3216/2002/G3, dated 19.03.2003, on the file of the first respondent and quash the same.

* * *

For petitioner : Mr.R.Muthukumar for
Mr.V.Ravi

For respondents : Mr.D.Srinivasan, G.A. for R1

* * *

O R D E R

Heard the learned counsel for the petitioner as well as the respondents.

1. It is the case of the petitioner that he is the former President of the MH 13 Peraringnar Anna Weavers Co-operative Society, Jakkampatty. The petitioner further states that the first respondent had appointed the second respondent as the Inquiry Officer for an inquiry under Section 81 of the Tamil Nadu Co-operative Societies Act, 1983, and summons was sent to the petitioner in June, 2002. It is stated that there was no mention about the purpose and details of the enquiry. On 12.08.2002, the petitioner had sent a letter to the second respondent requesting him to inform about the purpose of the inquiry. However, the second respondent without furnishing the details of the inquiry submitted a report, dated 11.09.2002. In the meanwhile, the first respondent had issued three proceedings to the petitioner herein in Na.Ka.3216/2002/G, dated 19.03.2003 2) Na.Ka.3216/2002/G2, dated 19.03.2003 3) Na.Ka.No.3216/2002/G3, dated 19.03.2003. On the basis of the said report, the first respondent had initiated action against the petitioner for the alleged loss under Section 87 of the Tamil Nadu Co-operative Societies Act, 1983. It is the case of the petitioner that since the inquiry report made under Section 81, dated 11.09.2002, is itself perverse and illegal, the subsequent proceedings initiated under Section 87 of the Act, are also unsustainable in law. The petitioner has sent a letter to the second respondent requesting him to furnish a copy of the inquiry report. However, the same has not been furnished till date. The main grievance of the petitioner is that Section 87 proceedings had been initiated against him without giving him a copy of the Section 81 enquiry report.

2. On a perusal of the documents filed in support of the writ petition and on considering the facts and circumstances of the case, the first respondent is directed to furnish a copy of the enquiry report, dated 11.09.2002, passed under Section 81 of the Tamil Nadu Co-operative Societies Act, 1983, to the petitioner within a week from the date of receipt of a copy of this order. The petitioner is permitted to submit his explanation to the show cause notice, dated 19.03.2003, issued by the first respondent within 15 days from the date of receipt of such report.

With the above directions the writ petition is disposed of. Consequently, the connected W.P.M.P and W.V.M.Ps are closed. No costs.

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

To

1. The Assistant Director,
Handloom and Textiles,
Madurai - 625 020.
2. Thiru.M.Venkatesalu,
Handloom Inspector / Enquiry Officer,
MH 13, Perarignar Anna Weavers Cooperative
Society,
Presently at office of the Assistant Director,
No.5, Ramiah Street, Shenoy Nagar,
Madurai - 625 020.
3. The Special Officer,
MH 13, Perarignar Anna Weavers Cooperative
Society Limited, Jakkampatti,
Andipatti Taluk, Theni District.

+ 3 ccs to Mr. A. Chandrasekar, Advocate SR No.33912
+ 3 ccs to Government Pleader SR No.34035, 34034, 34033

AK(CO)
SR/9.8.2006

WRIT PETITION Nos.12879 to 12881 of 2003
and WVMP.Nos642,644 of 2006
and WPMP.No.16136 of 2003.