

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.09.2015

Coram :

The Hon'ble Mr.Justice N.KIRUBAKARAN

W.P.No.30181 of 2015

1.Y.Chickmanchan
2.Mrs.Savithiri
3.Y.Madevan
4.Y.Ruddran
5.Mrs.Ruckmani
6.Mrs.Sivaningi
7.Y.Errakutty
8.Mrs.Basuvammal

...Petitioners

vs

1.The Manjoor Industrial Co-op
Tea Factory Ltd.,No.692
represented by its Managing Director,
Kundah Bridge Post,
Manjoor, The Nilgiris - 643 219.

2.Mrs.Lakshmi

3. The Joint Director,
Industries and Commerce (Tea),
INDCOSERVE, Coonoor,
The Nilgiris

...Respondents

Writ Petition is filed under Article 226 of the Constitution of India for issue of writ of mandamus directing the 3rd respondent to hear and dispose off the appeal petition dated 28.02.2015 filed by the appellant/petitioners, in accordance with law.

For Petitioner : Mr.Lenin and Bhagya
For Respondents : Mr.D.Venkatachalam

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O R D E R

The petitioners are the members of the first respondent Co-operative Tea Manufacturing Factory governed under the Co-operative Societies Act. The petitioners are small tea growers and are lawful members of the Factory. According to the petitioners, the second respondent is neither a small tea grower nor a proper member of the factory. She is only a private tea

leaf collection agent. She has illegally transferred the Membership of late Mayee in her name and supply green tea leaf collected from private parties who are non-members of the factory. Therefore, the first respondent is unable to take tea leaves from the petitioners and it is collecting from the second respondent in bulk and therefore the petitioners being genuine members are affected. In this regard, the petitioners filed appeal before the third respondent on 28.02.2015 and so far it has not been disposed of. Hence, the petitioners are before this court by way of this writ petition.

2. Heard Mr.Lenin & Bhagya, learned counsel appearing for the petitioners and Mr.D.Venkatachalam, learned counsel appearing for the first and third respondent.

3. Notice to the second respondent is dispensed with as this court is going to direct the third respondent to dispose of the representation by way of appeal made by the petitioners, after giving notice to the second respondent.

4. As rightly pointed out by Mr.D.Venkatachalam, learned counsel appearing for the first and third respondents, the petitioners have to invoke only Section 90 of the Tamilnadu Co-operative Societies Act 1983, which alone covers the present facts of the case and not appeal, as contended by the learned counsel for the petitioners.

5. In view of the above, the third respondent is directed to treat the representation / appeal made by the petitioners dated 28.02.2015 as dispute under Section 90 of the Act and after issuing notice to all the parties, namely petitioners and second respondent and after giving opportunities to all the parties, adjudicate the said dispute, within a period of eight weeks from the date of receipt of copy of this order, provided if the representation given by the petitioners is in order. In case if there is any deficiency in representation / appeal / dispute raised by the petitioners, the third respondent is directed to issue notice to the petitioners and get it rectified.

6. With the above direction, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

rgr

To

1.The Managing Director,
Manjoor Industrial Co-op
Tea Factory Ltd., No.692
Kundah Bridge Post,
Manjoor, The Nilgiris - 643 219.

2. The Joint Director,
Industries and Commerce (Tea),
INDCOSERVE, Coonoor,
The Nilgiris.

+ 1 cc to M/s. Lenin and Bhagya, Advocate Sr.52115
+ 1 cc to Mr. D/ Venkatachalam, Advocate Sr.52543

W.P.No.30181 of 2015

GGK(CO)
EU 27.10.15



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