

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.04.2016

C O R A M

THE HON'BLE Mr. JUSTICE T.S.SIVAGNANAM

WP.No.12772/2016

1.E.Kalpana
2.R.Ganesh
3.R.Mathivanan
4.P.Jwalarani

.. Petitioners

Versus

1 The General Manager
Vellore Thiruvannamalai District
Cooperative Milk Producers Union
Ltd., Sathuvachari, Vellore-9.
2 The Deputy Registrar of Cooperative
Societies [Dairying], Vellore-9.
3 The Sale Officer/Field Officer
Vellore Thiruvannamalai District
Cooperative Milk Producers Union
Ltd., Sathuvachari, Vellore-9.
4 R.Suguna
5 R.Priya
6 R.Saravanan

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of mandamus directing the 2nd respondent to take appropriate steps to bring the said Rajamoorthy's properties to public auction and realize the Bank deposit amount in the 1st respondent Union account.

For Petitioners ... Mr.C.Prakasam
For R1&R3 ... Mr.R.Bala Ramesh,
Additional Government Pleader
For R2 ... Mr.D.Venkatachalam,
Government Advocate

ORDER

Heard the learned counsel for the petitioner ; Mr.R.Bala Ramesh, learned Additional Government Pleader appearing for the respondents 1 and 3 and Mr.D.Venkatachalam, learned Government Advocate appearing for the 2nd respondent and with their consent, the writ petition is taken up for final disposal.

2 The petitioners are the employees of the 3rd respondent-Society and they have come forward with this writ petition, requesting the 1st respondent to take appropriate action against the assets of [late] Rajamoorthy, who was working as Cashier in the 3rd respondent-Society, who is no more. The petitioners, in their representation dated 07.03.2016, have set out the facts and most of which, are contained in the report submitted by the Deputy Registrar, u/s.81 of the Tamil Nadu Cooperative Societies Act.

3 The petitioners would state that the immovable properties owned by Rajamoorthy, were brought for public auction on 03.11.2015, but, for the reasons best known to the respondents 2 and 3, the auction was postponed and till date, no further steps have been taken. That apart, it is stated that the Fixed Deposit Receipts to the tune of Rs.35.75 lakhs were recovered from the house of Rajamoorthy, who accepted by giving a statement that it is the amounts which have been misappropriated from the Society. Yet, these Fixed Deposit Receipts have not been encashed. With these facts, a representation has been given on 07.03.2016.

4 Though notice has been served on the private respondents and their names are printed in the Cause List, none appears for them.

5 In the light of the above facts, there will be a direction to the 1st respondent to consider the petitioners' representation dated 07.03.2016 and pass appropriate orders on merits and in accordance with law, within a period of three months from the date of receipt of a copy of this order, after thoroughly verifying of the facts and conducting necessary enquiry with the subordinate officers. However, it is made clear that this will not exonerate the petitioners, if any action has already been initiated against them, under the provisions of the Cooperative Societies Act.

6 The writ petition is disposed of with the above direction. No costs.

-s/d-
Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

AP

To

1

The General Manager
Vellore Thiruvannamalai District
Cooperative Milk Producers Union
Ltd., Sathuvachari, Vellore-9.

2

The Deputy Registrar of Cooperative
Societies [Dairying], Vellore-9.

3

The Sale Officer/Field Officer
Vellore Thiruvannamalai District
Cooperative Milk Producers Union
Ltd., Sathuvachari, Vellore-9.

+1 cc to Mr.R.Bala Ramesh Advocate sr.27506

+1 cc to Government Pleader High Court Madras
sr.27425

+1 cc to Mr.C.Prakasam Advocate sr.27386

WP.No.12772/2016

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