

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.03.2017

CORAM:

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

W.P. No. 5540 of 2017

Mr.S.Balakrishnan, President,
S-620 Komarasampatty Milk Producers,
Co-operative Society Limited,
Salem 636 007. .. Petitioner

Vs.

The Deputy Registrar
Diary Development, Salem. ... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondent to conduct an enquiry into the complaint/representation dated 14.12.2016 and 23.12.2016 sent by the petitioner to the respondent and received at the office of the respondent on 29.12.2016 in accordance with law and by giving the Writ Petitioner an opportunity as a personal hearing within the time frame as may be stipulated by this Hon'ble Court.

For Petitioner : Mr.D.Shivakumaran
For Respondent : Mr.V.Selvaraj,
Additional Government Pleader

O R D E R

The prayer in the Writ Petition praying for directing the respondent and to consider the complaint/representation dated 14.12.2016 and 23.12.2016 sent by the petitioner to the respondent, after providing an opportunity the petitioner within the time frame as may be prescribed by this Court.

2. Heard Mr.D.Shivakumaran, learned counsel appearing for the petitioner and Mr.V.Selvaraj, learned Additional Government Pleader appearing on behalf of the respondent.

3. The learned counsel for the petitioner submits that the petitioner was elected as the President of S-620, Komarasampatty Milk Producers Co-operative Society Limited, Salem 636 007 and the period of office is 5 years. Due to

recent political developments in Tamil Nadu, differences of opinion and differences as to affiliation have arisen between the petitioner and the Vice President Mr.S.John Kennedy and 9 other Board members. The Vice President in an unlawful manner prevailed over 9 Board members and the petitioner is divested of his power as the President through an allegedly unanimous resolution dated 28.11.2016 and vesting the Vice President with all the powers of the President, including the power to sign the cheques. The learned counsel would further submit that the petitioner sent a complaint/representation dated 14.12.2016, by courier service to the respondent requesting the respondent to conduct an enquiry and above the said resolution. There was no action. The petitioner sent the very same complaint/representation by RPAD and the same was received at the office of the respondent on 29.12.2016. In spite of many request of the petitioner to the respondent has not conducted any enquiry so far. Therefore the petitioner filed the present writ petition for the aforesaid prayer.

4. The learned Additional Government Pleader appearing for the respondent submits that if the said complaints/representations dated 14.12.2016 and 23.12.2016 made by the petitioner is in order, the same would be considered by the respondents, in accordance with law.

5. Considering the facts and circumstances of the case, without expressing any opinion on merits, the respondent is directed to consider the said complaints/representations dated 14.12.2016 and 23.12.2016 of the petitioner, if it is otherwise in order, in accordance with law, by giving a reasonable opportunity of hearing to the parties concerned and pass appropriate orders as expeditiously as possible, not later than four months from the date of receipt of a copy of this order.

6. The Writ Petition is disposed of, on the above terms. No Costs.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

To

The Deputy Registrar
Diary Development
Salem

+1 CC to Mr.D.Shivakumaran, Advocate sr 14746
+1 Cc to The Govt. Pleader, High Court, Madras sr 14851

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MV (CO)
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