

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.09.2017

CORAM

THE HON'BLE MR. JUSTICE D. KRISHNAKUMAR

W.P.No.14154 of 2016

K.Subramaniam

..Petitioner

Vs.

1. The Joint Registrar of Coop. Societies,
Erode Region, Mohan Kumaramangalam Street,
Coop. Office Complex, 1st Floor, Surampatti,
Erode-9
2. The Deputy Registrar of Coop. Societies,
Erode Circle, Mohan Kumaramangalam Street,
Coop. Office Complex, 2nd Floor, Surampatti,
Erode-9
3. The President,
A.A.511, Kandappangounden Valasu
Primary Agricultural Coop. Credit Society,
K.G.Valasu, Perundurai Taluk, Erode District
4. K.R.Viswanathan,
Assistant Secretary,
Koundachipalayam Primary Agricultural
Coop. Credit Society, Koundachipalayam,
Vellode Via, Perundurai Taluk,
Erode District
5. The District Collector,
Erode District, Erode

..Respondents

PRAYER:

The Writ Petition is filed under Article 226 of the Constitution of India to issue a writ of mandamus directing the first respondent to implement the order passed by the fifth respondent in his proceedings Na.Ka.30454/2014/Ka.1 dated 14.09.2015 and take necessary action against the third and fourth respondents.

For Petitioner : Mr.C.Prakasam
For Respondents : Mr.V.Selvaraj, Additional
Government Pleader for R1, R2 & R5

:Mr.L.P.Shanmuga Sundaram,
Special Government Pleader for R3

:Mr.C.Munusamy for R4

ORDER:

The petitioner has filed this writ petition before this Court stating the allegations against the third respondent, he has committed irregularities with regard to non remittance of the cattle insurance premium, sanctioning and disbursing loans to the landless persons and ladies and disbursing loans to the traders. The petitioner has also made allegations against the fourth respondent. In this regard, the petitioner made a representation to the first and second respondent, but no action was taken. Then, the petitioner filed a writ petition in WP.No.29618 of 2014 for the same and this Court by order dated 14.11.2014 directed the respondents 1 to 3 therein to consider and pass orders on merits by disposing the written representation. After that, the second respondent, without conducting any enquiry, passed an order dated 11.12.2014 thereby informing that there is no irregularities committed by the third and fourth respondents found on the basis of the enquiry report. Again the petitioner made a specific complaint to the fifth respondent stating that bogus ration card has been created and utilised by the fourth respondent since 2006. On receipt of the said complaint, the fifth respondent directed the Joint Registrar, Cooperative Societies, Erode and District Supply Officer, Perundurai to take action against the fourth respondent. But the third respondent has replied that he refused to take action. Hence, the petitioner has filed this writ petition before this Court for not taking action against the fourth respondent by the first respondent.

2. The counter affidavit has been filed by the second respondent by stating that the petitioner has made several allegation against the fourth respondent and the said complaint has been enquired and the said allegation are found incorrect. Therefore, no further action has been taken against the fourth respondent. Further, the petitioner has also made allegation against the fourth respondent that the fourth respondent has prepared bogus ration card and utilise the same and supply the commodities, thereby resulting loss to the society. In this regard, the third respondent society had already initiated

disciplinary action against the said individual vide charge memo dated 19.01.2015 and the same was disposed of on 04.03.2015.

3. On perusal of the communication issued by the fifth respondent, addressed to the Deputy Registrar and the copy has been marked to the Joint Registrar and District Supply Officer to submit the final report to the fifth respondent. But, so far the report has not been submitted as seen from the records. Insofar as the charges against the irregularities and charges made against the fourth respondent that the family card No.12/G/03/0337932 is not genuine and the said bogus card has been fabricated by the fourth respondent, the said complaint has to be enquired by the District Supply Officer who is the issuing authority for the family cards. But the District Supply Officer has not been impleaded as a party in the present writ petition and no materials have been placed before this Court, whether the said report has been submitted to the first and second respondent for submitting final report as directed by the fifth respondent.

4. Hence, in view of the above, as the District Supply Officer has not been impleaded as a party, this court cannot give appropriate directions to the authority concerned. Therefore, it is for the petitioner to approach the authority concerned to make appropriate representation to implement the same.

5. Since no prima facie case has been made out in favour of the petitioner, the writ petition is dismissed. No costs.

Sd/-
Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

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To

1. The Joint Registrar of Coop. Societies,
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Erode-9
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Erode-9

3. The President,
A.A.511, Kandappangounden Valasu
Primary Agricultural Coop. Credit Society,
K.G.Valasu, Perundurai Taluk, Erode District

4. The District Collector,
Erode District, Erode

+ 1 cc to Mr.L.P.Shanmuga Sundaram, Advocate,SR.66150

+ 1 cc to Mr.C.Prakasam, Advocate,SR.66090

+ 1 cc to M/s.C.Munusamy, Advocate,SR.65572

+ 1 cc to The Govt.Pleader, SR.66449

W.P.No.14154 of 2016

SVI (CO)
NR 10/10/2017



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