

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.09.2017

CORAM

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

W.P. No.17931 of 2015

and

M.P. Nos.1 & 2 of 2015

M.S.Beer Muhamed

.. Petitioner

Vs

- 1.The Registrar of Co-op. Societies,
N. V. Natarajna Maligai,
EVR Periyar High Road,
Kilpauk, Chennai - 600 010.
2. The District Collector of Cuddalore,
Beach Road,
Cuddalore Post & District.
3. The Joint Registrar of
Co-operative Societies,
Cuddalore Region,
No.3, Beach Road,
Cuddalore Post & District.
4. The Deputy Registrar of
Co-operative Societies,
Vridhachalam Post, Cuddalore District.
5. The Vridhachalam Agricultural Producers
Co-operative Marketing Society Ltd.,
President/Managing Director (Ltd.No.E1430),
Represented by its "Managing Director",
No.17, Cuddalore Road, Periyar Nagar North,
Vridhachalam Post, Cuddalore District.
6. The Panruti Agricultural Producers
Co-operative Marketing Society Ltd.,
Represent by its "Managing Director",
Vizhamangalam, Panruti,
Cuddalore District.

.. Respondents

PRAYER : This Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, to

call for the records of the 1st respondent in his proceedings in Na.Ka.No.98565/2014/PDS G2 dated 15.05.2015 and the consequential order passed by the 3rd respondent in Na.Ka.No.1572/2014/PDS2 dated 15.06.2015, quash the same and pass such further or other orders.

For Petitioner :Mr.V.Raghupathi

For Respondents :Mrs.T.Girija,
Government Advocate for R1 to R4.

Mr.L.P.Shanmuga Sundaram,
Special Government Pleader for R5.

Mr.D.Venkatachalam for R6.

O R D E R

This Writ Petition has been filed, seeking to quash the 1st respondent proceedings in Na.Ka.No.98565/2014/PDS G2 dated 15.05.2015 and the consequential order passed by the 3rd respondent in Na.Ka.No.1572/2014/PDS2 dated 15.06.2015.

2. The learned counsel appearing for the petitioner would submit that the petitioner is one of the members of the 5th respondent society. In the year 1987, the 5th respondent society was entrusted with "Lead Society" business of purchasing the ration items from the Tamil Nadu Civil Supplies Corporation and to supply the same to the fair price shops in and around the taluk. The 5th respondent society was recognised as Lead Society from 1987 to 2002 and again from 2005 to 2015. Whiles, on 19.05.2015, vide the impugned order of the 1st respondent, the 6th respondent society was given the recognition as "Lead Society" instead of the 5th respondent society. As per the Resolution No.3 passed on 09.06.2015, the 5th respondent society submitted a request letter dated 10.06.2015 to consider and restore the status as Lead Society. According to the petitioner, if their request is not considered, the members of the 5th respondent will be put to great hardship. The respondents without considering the request, is taking urgent steps to implement the impugned order and therefore the present Writ Petition is filed before this Court, challenging the impugned order.

3. Relying upon the counter affidavit filed by the third respondent, the learned Government Advocate submitted that the 5th respondent society through his maladministration created financial crisis and purchase of essential commodities from the Tamil Nadu Civil Supplies Corporation was affected. No programme was enlightened by the 5th respondent society regarding

the dues of Rs.3.5 crores from the Cuddalore District Central Co-operative Bank and Rs.96.71 lakhs to the Tamil Nadu Civil Supplies Corporation. It is further submitted that the transfer proposal was forwarded by the third respondent to the first respondent and the 1st respondent being the Registrar of Cooperative Societies, Chennai, granted permission for the transfer of the "Lead Society" function in Vridhachalam, Tittagudi and Veppur Taluks from the petitioner's Society to Panruti Agricultural Producers Co-operative Marketing Society.

4. According to the respondents, subsequently, the cheques issued by the Vridhachalam Agricultural Producers Co-operative Marketing Society issued to the tune of Rs.1,31,33,702/- were dishonoured for 'want of funds'. In view of the aforesaid facts, the impugned order has been passed by the first respondent, on the basis of the recommendation made by the third respondent.

5. In reply to the said statement made by the learned Government Advocate, the learned counsel for the petitioner, by relying upon the reply affidavit filed by the petitioner, stated that during the pendency of the present Writ Petition, the 5th respondent Society had paid the arrears amount due, to the concerned Co-operative Banks and the Tamil Nadu Civil Supplies Corporation. The said fact has been revealed in the review meeting conducted by the first respondent, which shows that the fifth respondent society has to pay only a sum of Rs.1,21,31,000/- to the Cuddalore District Central Co-operative Bank. Further, it is also revealed that the request of the fifth respondent society is to convert to Mid Term Loan from Cash Credit Cover Deficit amount. There is also another proposal for the fifth respondent to settle the dues and the said proposal is now pending with the Cuddalore District Central Co-operative Bank. It has been ascertained by the petitioner that there is no due pending by the fifth respondent society to the Tamil Nadu Civil Supplies Corporation, as on 31.07.2017. Therefore, by taking into consideration of the subsequent development to meet out the dispute of the said arrears for the dues to the District Central Co-operative Bank and to the Tamil Nadu Civil Supplies Corporation and there is also a proposal to settle the dues also pending before the Cuddalore District Central Co-operative Bank. Considering the subsequent development, this Court may permit the fifth respondent society to make a fresh representation to the first respondent, along with the relevant documents.

6. In the light of the above submissions, this Court is inclined to direct the respondents to consider the said representations made by the petitioner and the fifth respondent society, within a period of four weeks from the date of receipt of a copy of this order. After providing reasonable opportunity

to the concerned parties, the first respondent is directed to reconsider and pass orders, in accordance with law. Till such period, the interim order already granted by this Court shall be in force. If no representation is made by the fifth respondent before the first respondent, within the aforesaid period, the interim order granted by this Court shall stand automatically vacated.

7. The writ petition is disposed of, with the above directions. Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

rkp

To

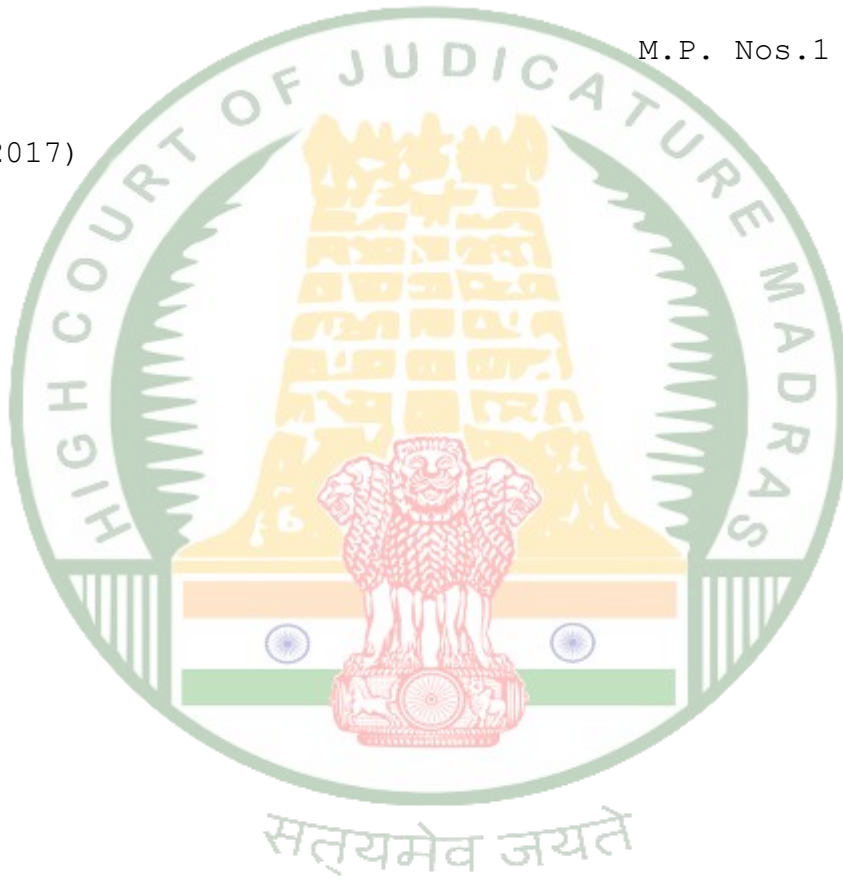
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+1cc to Mr.D.Venkatachalam, Advocate SR.No.66762
+1cc to Mr.V.Raghupathy, Advocate SR.No.66843

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GN(07/12/2017)



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