

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.09.2017

CORAM

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

W.P. No.17719 of 2016

and

W.M.P. No.15418 of 2016

K.Chellapillai ... Petitioner

Vs

- 1.The Secretary,
Co-op., Food and Consumer
Protection Department,
Fort St.George, Chennai -9.
2. The Secretary,
Animal Husbandry, Diaries &
fisheries Department,
Fort st.George, Chennai -9.
3. The Commissioner of Milk Production
and Diary Development,
Madavaram Milk Colony,
Chennai -51.
4. The Deputy Commissioner of Milk
(co-operation),
Madavaram Milk Colony,
Chennai -51.
5. The Deputy Registrar (Diary),
Perambalur, Perambalur District.
6. T. Balasundarm
7. The Section 81 Enquiry Officer,
TRD 917, Sirukudal Milk Producers
Co-operative Society Limited,
Sirukudal Post, Kunnam Taluk,
Perambalur 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 relating to Na.Ka.3217/2016/M.1 dated 22.03.2016 issued by the 4th respondent and quash the same as being illegal, arbitrary, unconstitutional and to pass such further or other orders or directions.

For Petitioner :Mr.T.Sundaravadanam

For Respondents :Mr.L.P.Shanmugasundaram,
Special Government Pleader
for R1 to R5 & R7.

No Appearance for R6.

ORDER

This Writ Petition has been filed, seeking to quash the proceedings in Na.Ka.3217/2016/M.1 dated 22.03.2016 issued by the 4th respondent.

2. The learned counsel for the petitioner would submit that the petitioner assumed office as a President in Sirukudal Milk Producers Co-op. Society Ltd., on 09.05.2013. The 5th respondent issued a dissolution notice on 15.06.2015, consisting of 11 charges. Since the petitioner was unable to submit his explanation within the prescribed time, he submitted a representation dated 19.06.2015 seeking extension of time, which is still pending with the 5th respondent. Subsequently, enquiry under Section 81 of the Tamil Nadu Co-operative Societies Act, 1983 was conducted. Based on the enquiry report, the petitioner was held liable for a loss of Rs.60,515.91 and surcharge proceedings were initiated against the petitioner. According to the petitioner, without considering his representation dated 08.03.2016, the 4th respondent issued the impugned disqualification proceedings on 22.03.2016. In spite of his repeated representations, seeking necessary documents to submit a detailed explanation, to defend his case, no action was taken by the respondents. Therefore, the present writ petition is filed by the petitioner for the aforesaid prayer.

3. Based on the submission made by the learned counsel appearing for the petitioner, the learned Government Advocate would submit that if any representation is pending with the respondents, the same would be considered and appropriate orders would be passed, in accordance with law.

4. In view of the submissions made by the learned counsel for both the parties, this Court is inclined to direct the petitioner to submit his representation within a period of four weeks from the date of receipt of a copy of this order and thereafter, the fourth respondent is directed to proceed further and pass appropriate orders, in accordance with law.

5. The writ petition is disposed of, on the above terms. Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/-

Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

rkp

To

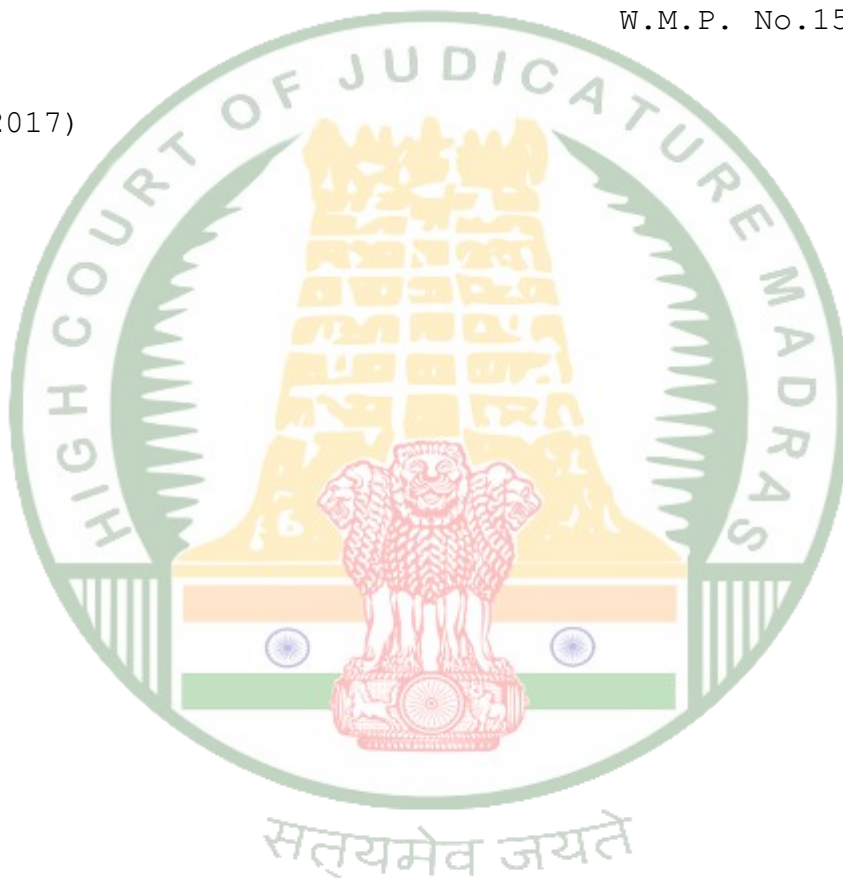
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+1cc to Mr.T.SUNDARAVADAVAM Advocate, S.R.No. 67324

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(CO)
TR(04/12/2017)



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