

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.04.2017

CORAM

THE HON'BLE MR. JUSTICE D. KRISHNAKUMAR

W.P. No.27175 of 2016

ARD-110, Periyanaagar Milk

Producers Co-operative Society,

Represented by its President

Mrs.Kanmani,

Ariyalur Taluk & District

..Petitioner

Vs.

1. The Deputy Commissioner for Dairying,
Madhavaram,
Chennai-600 051.

2. The Deputy Registrar of Co-operative
Societies (Dairying),
Ariyalur.

3. R-829, Ariyalur Milk Producers
Co-operative Society,
Represented by its President,
Ariyalur Town,
Ariyalur Taluk & District.

.Respondents

PRAYER:

Writ Petition is filed under Article 226 of the Constitution of India to issue WRIT OF MANDAMUS directing the 1st and 2nd respondents to take necessary action on the representation of the petitioner dated 31.03.2016 and thereby cancelling the registration of the 3rd respondent for violating the orders and norms fixed by the 2nd respondent in pursuance to the order of the 2nd respondent dated 15.07.2014 vide her proceedings bearing Na.Ka.No.1/2014/Aa within the time frame fixed by this Court.

For petitioner

M/s.G.Ilamurugu

For R 1 to R 3

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

ORDER:

The petitioner has filed the Writ Petition praying to issue a WRIT OF MANDAMUS directing the 1st and 2nd respondents to take necessary action on the representation of the petitioner dated 31.03.2016 and thereby cancelling the registration of the 3rd respondent for violating the orders and norms fixed by the 2nd respondent in pursuance to the order of the 2nd respondent dated 15.07.2014 vide her proceedings bearing Na.Ka.No.1/2014/Aa.

2. According to the learned counsel for the petitioner, the President of Ariyalur Milk Producers Cooperative Society, the third respondent herein, is illegally entering in to the jurisdiction of the petitioner society and receiving milk from the villagers as well as the members of the petitioner society, and the action of the third respondent is against the bye-laws and the provisions of the Tamil Nadu Co-operative Societies Act, 1983. Then, the petitioner made representations to the second respondent from time to time, who is controlling the third respondent society. Despite the restriction order passed by the second respondent, the third respondent is continuing to receive the milk without obeying the order. The petitioner has also made representations to the first respondent and to the second respondent on 31.03.2016 to take necessary action against the third respondent following the provisions, by invoking section 157 of the Tamil Nadu Co-operative Societies Act, 1983 to stay the operation of the third respondent society. The aforesaid representation is still pending with the respondents 1 and 2. Therefore, the petitioner has filed the writ petition before this Court for the aforesaid prayer. In the meanwhile, the petitioner filed a suit in O.S.No.235 of 2015 on the file of the Principal District Munsif, Ariyalur for injunction which is still pending.

3. The Special Government Pleader appearing for the respondents submitted that the said representations are pending due to administrative reasons and the first and second respondents will take appropriate action to dispose petitioner's representation, in accordance with law.

4. Considering the facts and circumstances of the case and in view of the submissions made by the learned Special Government Pleader for the respondents, this court is inclined to direct the concerned authority to consider the petitioner's representation dated 31.03.2016 on merits and in accordance with law, as expeditiously as possible, preferably within a period of four months from the date of receipt of a copy of this order, after providing opportunity to the petitioner. It is needless to say that the petitioner has to enclose a copy of the representation dated 31.03.2016 along with this order copy, to the respondents 1 and 2.

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

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

lok

To

1. The Deputy Commissioner for Dairying,
Madhavaram,
Chennai-600 051.
2. The Deputy Registrar of Co-operative
Societies (Dairying),
Ariyalur.
3. The President,
R-829, Ariyalur Milk Producers
Co-operative Society,
Ariyalur Town,
Ariyalur Taluk & District.

+1cc to Mr.G.Ilamurugu, Advocate Sr. 20501

+1cc to Mr.L.P.Shanmugasundaram, advocate Sr. 20544

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VR(12/06/2017)

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