

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 05.09.2018
CORAM
THE HONOURABLE Mr.JUSTICE V.BHARATHIDASAN

W.P.No.17778 of 2018
and
W.M.P.No.21051 and 21052 of 2018

K.Ponnusamy

... Petitioner

Vs

1. The Deputy Registrar of Milk Development,
Dharmapuri.
2. Dharmapuri District Milk Producers
Co-operative Federation
Rep. By its Special Officer,
Krishnagiri.
3. TPT. 116, Pappireddypatti Milk producers
Co-operative Society,
Rep. By its Special Officer,
Adhikarapatti Post,
Pappireddipatti Taluk,
Dharmapuri

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, to call for the records pertaining to the impugned orders (i) recovery notice dated 05.06.2018 in Reference Number Tha.Thee.No.11/2017-2018/A on the file of the first respondent and (ii) Tha.Thee.11/2017-18 dated 16.11.2017 on the file of the first respondent and quash the same.

For Petitioner : Mr.R.Neelakandan

For Respondents : Mr.L.P.Shanmugasundaram
Special Government Pleader

O R D E R

This writ petition has been filed challenging the order passed by the first respondent under section 87 of the Tamil Nadu Co-operative Societies Act.

2. Even though an appeal remedy is provided under section

152 of the Act before the concerned District Court, without availing that remedy, the petitioner cannot maintain the Writ Petition before this Court.

3. However, Mr.R.Neelakandan, learned counsel appearing for the petitioner would submit that before passing the order under section 87 of the Act, copy of the enquiry report has not been furnished to the petitioner. Hence, the present writ petition has been filed.

4. Today, when the matter is taken up for hearing, Mr.L.P.Shanmugasundaram, learned counsel appearing for the respondents submitted that before enquiry, copy of the enquiry report and other relevant documents have been furnished to the petitioner. He has also produced the acknowledgment made by the petitioner for receipt of the same.

5. In such circumstances, as the enquiry report has already been furnished to the petitioner, now, he cannot make any grievance for the same before this Court.

6. Accordingly, this Writ Petition is dismissed, however, liberty is given to the petitioner to challenge the impugned order in the manner known to law, within a period of four weeks from the date of receipt of copy of this order. Till the appeal is filed, the respondents are directed not to initiate any proceedings for recovery of the amount. Consequently, connected miscellaneous petitions are closed. No costs.

Sd/-
Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

mrp/rst

To

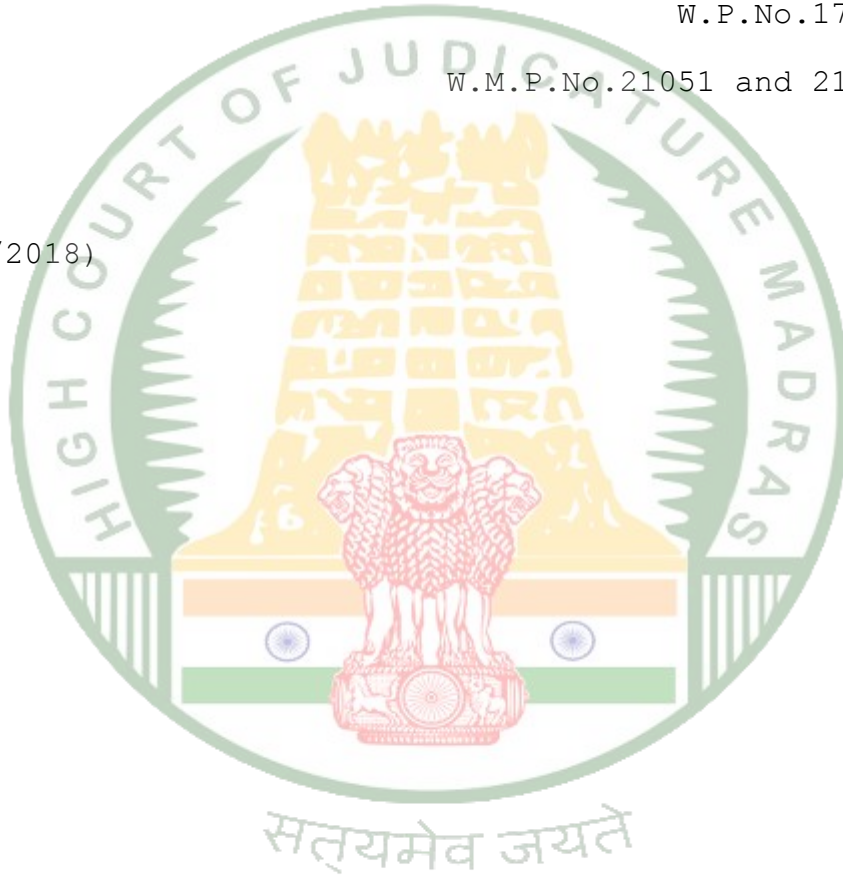
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Rep. By its Special Officer,
Adhikarapatti Post,
Pappireddipatti Taluk,
Dharmapuri.

+1cc to Mr.L.P.Shanmugasundaram, Advocate SR. No. 62206
+1cc to Mr.R.Neelakandan, Advocate, SR. No. 61122.
+1cc to Government Pleader, High Court, Madras SR. No. 61727

W.P.No.17778 of 2018
and
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MR (CO)
rrs (15/10/2018)



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