

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 30.10.2018

CORAM

THE HONOURABLE MR. JUSTICE V.BHARATHIDASAN

W.P.No.26143 of 2018 and
W.M.P.No.30354 of 2018

The President,
M.D.576m East Annanagar Milk Consumer's
Coopertive Society,
No.414, N Block, 21st Street,
Anna Nagar East,
Chennai - 600 102

... Petitioner

..Vs..

1.The General Manager,
Kancheepuram, Thiruvallur District Milk
Producers Co-operation Union,
Ayanavaram, Chennai - 600 023

2. The Deputy Registrar [Dairying]
Tiruvallur District
No.1D, C.V.Naidu Road, 1st Street,
Jayanagar, Thiruvallur - 602 001

3. Deputy Registrar [Dairying]
Kancheepuram District
Sadavaram Road, near Deaf School,
Chinna Kancheepuram, 631 501

4. Election Commissioner [Co-operation]
Kamadhenu Super Market,
Teynampet, Chennai - 18

5. The Director,
Milk Production and Dairy Development
Department, Madhavaram,
Chennai - 600 051.

... Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents 1 to 3 to include the name of the petitioner in the membership list of the Kancheepuram Tiruvallur District Milk Producers Co-operation Union and consequently to permit the petitioner to vote in the ensuing elections to be held on 11.10.2018.

For Petitioner : Mr.Ayyadurai, Senior Counsel
for M/s.Sivashanmugam

For Respondents: Mr.L.P.Shanmugasundaram
Special Government Pleader
[Co-operatives]

O R D E R

This Writ Petition has been filed seeking a direction to the respondents 1 to 3 to include the petitioner as one of the Member in Kancheepuram Thiruvallur District Milk Producers Co-operative Union.

2. According to the petitioner, they are indulged in marketing activities of the Tamilnadu Milk Producers Co-operative Federation, to sell their milk and milk products in lot. The Milk Producers Co-operative Societies in Tamilnadu are operating on a three-tier systems, viz., Primary, District Level, Co-operative Union, and Tamilnadu Milk Producers Co-Operative Federation at the state level as apex body. While the Milk Producers consist of farmers and from amongst them, President, Vice President represents the Society and Board of Directions were elected to represent District Level Union by due process of election by the 3rd and 4th respondents. Even though the Milk Producers Co-operative Societies were permitted to represent the District Level Union, the petitioner being a Consumer Co-operative Society and serves in the marketing field, they were not made as Members. Under those circumstances, the present Writ Petition has been filed.

3. The learned senior counsel for the petitioner submitted that the petitioner-Society is indulged in marketing of milk and milk products in Tamilnadu, and they should also be necessarily included as a Member in the District Level Body, but without any reason whatsoever, the respondents 1 to 3 have not included the petitioner as a member. Under those circumstances, leaving with no other option, the petitioner has approached this Court.

4. The learned senior counsel further submitted that, in respect of other Districts, the Consumer Societies have also been made as Members, only in respect of Kancheepuram and Tiruvallur District, they have not included.

5. The learned Special Government Pleader appearing for the respondents, on the other hand, submitted that the Milk Producers Society alone, entitled to represent District Level body as per the By-laws of the District Level Body. The petitioner, being a Consumer Society is not eligible to be a

Member of the District Level Body, and throughout Tamilnadu, in none of the Districts, the Consumer Society is made as a Member, hence the prayer sought for by the petitioner cannot be granted. Further, he drew the attention of this Court to the By-Laws of the Madras Chenglepattu District Co-operative Milk Producers Union Limited, wherein at Clause 7, it has been held as follows:-

"7. The Membership of the Union shall consist of Registered Milk Producers' Societies in the area of operation of the Union ; Provided Primary Milk Supply Societies functioning in the area of Operation of the Union shall be admitted as members subject to the condition that they agree to convert themselves as Producers' Societies."

6. In reply, the learned senior counsel for the petitioner submitted that since the Bylaws of the District Level Body is not permitting the Consumer Societies as Members, they have made a representation dated 26.10.2018 to the 1st respondent to amend the By-laws suitably and also include them as a Member and he would further submit that, the petitioner will be satisfied if the representation of the petitioner is considered by the 1st Respondent.

7. Considering the limited prayer sought for by the petitioner without going into the merits, as the petitioner's representation dated 26.10.2018, is pending on the file of the 1st respondent, this Court, directs the 1st respondent to consider the representation of the petitioner and pass suitable orders on merits, after providing opportunity to the petitioner, within a period of twelve weeks from the date of receipt of a copy of this Order.

Accordingly, the Writ Petition is disposed of. Consequently, connected Miscellaneous Petition is closed. No costs.

सत्यमेव जयते
Sd/-

Assistant Registrar(CS VI)

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Sub Assistant Registrar

ssd

To

1.The General Manager,
Kancheepuram, Thiruvallur District Milk
Produces Co-operation Union,
Ayanavaram, Chennai - 600 023

2. The Deputy Registrar [Dairying]
Tiruvallur District
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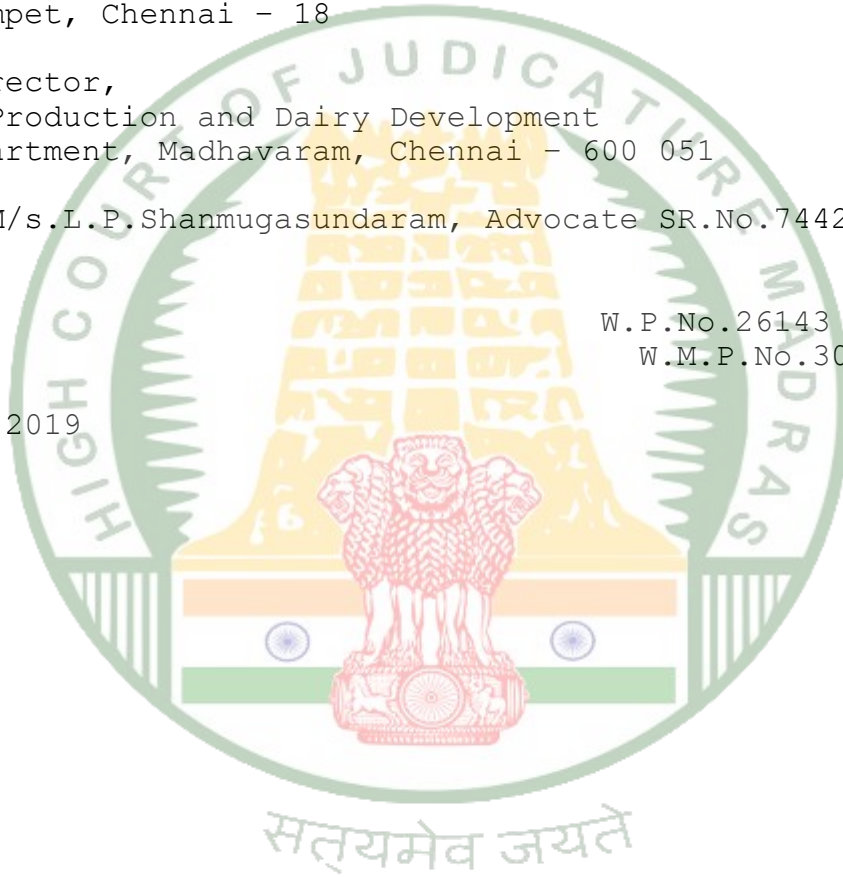
4. Election Commissioner [Co-operation]
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5. The Director,
Milk Production and Dairy Development
Department, Madhavaram, Chennai - 600 051

+2 cc to M/s.L.P.Shanmugasundaram, Advocate SR.No.74428 & 75042

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CP(CO)
CSL/31.01.2019



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