



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.07.2018

CORAM:

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

AND

THE HONOURABLE MRS.JUSTICE T.KRISHNAVALLI

W.A(MD)NO.569 OF 2018

and

C.M.P(MD)Nos.3203 and 5721 of 2018

Thiru.Govindasamy, Secretary,
M.M.Primary Agricultural Co-operative
Credit Society, Kattathi,
Karambakudi Taluk,
Pudukkottai District.

:Appellant/Third Respondent

.vs.

1. G.P.Baskaran,
Vice-President,
M.M.574, Primary Agricultural Co-operative
Credit Society, Kattathi,
Karambakudi Taluk,
Pudukkottai District.

:Ist Respondent/Petitioner

2. The Registrar of Co-operative Societies,
Kilpauk, Chennai - 600 010.

3. The Joint Registrar,
Co-operative Societies,
Pudukkottai Regional,
Pudukkottai.

:Respondents1 and 2/Respondents 1 and 2

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent
praying this Court to set aside the order passed by this Court in
W.P(MD)No.21291 of 2017, dated 20.11.2017.

Prayer in WP(MD)No. 21291 of 2017 :

Writ Petition is filed under Article 226 of the Constitution
of India, praying this Court To issue a writ of Mandamus directing
the respondents to take action against the 3rd respondent for
irregularities in the grant of subsidy and waiver of loans to
farmers and misappropriation of fund of the 3rd respondent society
as per representation of the petitioner dated 12.06.2017.

For Appellant

:Mr.B.Aathirak,
for M/s. K.Elil Selvi

For Respondent-1

:Mr.V.S.Kumaraguru

For Respondents

:Mr.C.M.Mari Chelliah Prabu

2 and 3

Addl.Govt.Pleader

**JUDGMENT**

[Judgment of the Court was made by **K.RAVICHANDRABAABU, J.**]

This Writ Appeal is directed against the order made in W.P(MD) No.21291 of 2017, dated 20.11.2017.

2.The appellant is the third respondent in the Writ Petition. The Writ Petitioner sought for a mandamus directing the respondents 1 and 2 to take action against the third respondent for irregularities in the grant of subsidy, waiver of loans to farmers and misappropriation of funds of the third respondent/Society, as per his representation, dated 12.06.2017.

3.According to the Writ Petitioner, the third respondent being the secretary of the said Society misused his powers and has committed gross irregularities in grant of subsidy, waiver of loans to farmers and also misappropriated the funds. Expressing such allegations, the Writ Petitioner preferred a complaint, dated 12.06.2017 before the respondents 1 and 2. When the said complaint was not considered, the above Writ Petition was filed. The Writ Court without expressing any view on the merits of the claim made by the Writ Petitioner, only directed the respondents 1 and 2 to consider the representation of the Petitioner, dated 12.06.2017 and pass appropriate orders, on its own merits and in accordance with law, after affording due opportunity of hearing to the Petitioner, third respondent as well as the other interested parties, if any, within a period of six weeks. Challenging the above said order, the present Writ Appeal is filed by the third respondent by contending that the complaint made by the Writ Petitioner against the appellant did not disclose entire facts and circumstances and on the other hand, it was given only to harass the third respondent/appellant. Therefore, it is contended that the order passed by the Writ Court had caused prejudice to the third respondent/appellant.

4.The learned counsel for the appellant further contended that the Writ Petitioner himself was the Vice-President of the subject-matter Society and he was also a signatory along with other persons, the proceedings involving grant of subsidy, waiver of loans to farmers of the third respondent/Society and therefore the appellant alone cannot be blamed or pin-pointed as liable. He further contended that only when a full-fledged enquiry is conducted by the first respondent namely, the Registrar of Co-operative Societies, the entire facts would come to light.

5.On the other hand, the learned counsel appearing for the respondents contended that the order passed by the Writ Court need not be interfered with, since it only directed the respondents 1



and 2 to consider the representation and pass appropriate orders on merits and in accordance with law, that too, after affording opportunity to all the parties concerned.

6. We heard both sides and perused the materials placed before us. We have also given our careful consideration to the submissions made the learned counsel appearing for both sides.

7. By alleging that certain irregularities have been committed with regard to the grant of subsidy, waiver of loans to farmers and that misappropriation of funds of the third respondent/Society had taken place, the Writ Petitioner made a complaint before the official respondents. Only the said complaint was directed by the Writ Court to be considered by the official respondents and thereafter to pass appropriate orders on its own merits and in accordance with law, that too, after affording due opportunity to all the parties concerned, including the appellant herein. Therefore, We do not think any prejudice is caused to the appellant by issuing such direction by the Writ Court, as contended before us. At the same time, if the appellant by way of explanation brings out certain other facts, details and other material particulars, either against the Writ Petitioner or against other officials or against other office-bearers of the third respondent/society complaining their involvement in the alleged irregularities, the first respondent namely, the Registrar of Co-operative Societies will also look into those contentions and conduct enquiry and thereafter to pass appropriate orders in a comprehensive manner.

8. Accordingly, this Writ Appeal is disposed of, by directing the second respondent to look into the affairs of the third respondent/Society, more particularly, with regard to the grant of subsidy, waiver of loans to farmers and the alleged misappropriation of funds of the Society and to take appropriate action against the erring persons, if the allegations are found to be true. Such exercise shall be done by the first respondent after giving due opportunity of hearing to all the parties concerned within a period of 12 weeks from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(W)

/True Copy/

Sub Assistant Registrar(CS-I)

To

<https://hcservices.courtregin/servic...> of Co-operative Societies,
Kilpauk,
Chennai - 600 010.



2. The Joint Registrar,
Co-operative Societies,
Pudukkottai Regional,
Pudukkottai.

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+1cc to M/s.K.Elil Selvi, Advocate Sr.No.75423
+1cc to Mr.V.S.Kumaraguru, Advocate Sr.No.75228
+1cc to Spl.Government Pleader Sr.No.75342

VSN

VB/KAK/SAR1/07.08.2018/4P/6C

**JUDGMENT MADE IN
W.A(MD)NO.569 OF 2018 and
C.M.P(MD)Nos.3203 and 5721 of 2018
26.07.2018**