



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
DATED: 28.08.2018

CORAM:  
THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P. (MD) No.18705 of 2018

K.Periyandavar ... Petitioner  
vs.

- 1.The Secretary to the Government  
In-charge of Co-operation,  
St.George Fort,  
Chennai-600 010.
- 2.The Registrar of Co-operative Societies,  
E.V.R.Salai,  
Kilpauk,  
Chennai-600 010.
- 3.The Regional Joint Registrar of Co-operative  
Societies,  
Collectorate Complex, K.R.Nagar,  
Virudhunagar.
- 4.The Deputy Registrar of Co-operative Societies,  
Melamada Street,  
Srivilliputhur,  
Virudhunagar District.
- 5.N.Dilip Kumar,  
Regional Joint Registrar of Co-operative Societies,  
Collectorate Complex,  
Virudhunagar. ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of Certiorarified Mandamus to call for the records of the second respondent in Na.Ka.No.81164/2018/Tho.Ve.Sa.2, dated 16.02.2018 issued by Registered Post on 01.08.2018 and quash the same and consequently direct the first respondent to take legal action against the fourth respondent.

For Petitioner : Mr.V.O.S.Kalaiselvam

For Respondents : Mr.S.Angappan Government Advocate  
for R.1 to R.4



## O R D E R

The petitioner has approached this Court challenging the order passed by the second respondent, dated 16.02.2018, in regard to the complaint preferred by the petitioner on 21.11.2017.

2. The petitioner has given a complaint against the fifth respondent, who was the Regional Joint Registrar of Co-operative Societies in regard to his discharge of his duties, while conducting auction sale of empty gunny bags at Srivilliputhur circle. According to him, certain irregularities were noticed in the conduct of auction and therefore, he had preferred a complaint as being the President of Muhavoor Primary Agricultural Co-operative Credit Society Ltd., Muhavoor. Since no action was forthcoming from the second respondent, he had earlier approached this Court in W.P.(MD)No.20177 of 2017. This Court, on consideration of the case of the petitioner, has disposed of the writ petition on 02.11.2017, directing the second respondent to pass appropriate orders on merits and in accordance with law in respect of the complaint preferred by the petitioner against the fifth respondent.

3. In pursuance of the above direction passed by this Court, the second respondent passed the order dated 16.02.2018, which is impugned in the present writ petition. The second respondent has passed a very detailed order, after considering the various materials and finally held that the complaint preferred by the petitioner against the fifth respondent was baseless, unfounded and therefore, there was no necessary to take any further action on the complaint. The writ petitioner, being aggrieved by the rejection of the complaint, is before this Court challenging the order of the second respondent dated 16.02.2018.

4. From the materials as disclosed in the writ petition, it could be seen that the second respondent had passed a well considered order, while rejecting the complaint of the petitioner. However, not satisfied with the order passed by the second respondent, the petitioner has filed this writ petition stating that certain aspects were not considered by the second respondent while coming to the conclusion in favour of the fifth respondent.

5. The learned Counsel appearing for the petitioner attempted to draw the attention of this Court to various factual aspects in support of his complaint.

6. The facts, which were highlighted by the petitioner, had been considered by the second respondent while disposing of the complaint. This Court, by exercising its jurisdiction under Article 226 of the Constitution of India, cannot settle the factual disputes in regard to the complaint preferred by the petitioner as against the fifth respondent. Once the competent authority has taken a conscious



decision and found that the entire complaint was baseless and unfounded, this Court cannot sit on the judgment over the factual findings of the second respondent and entertain the writ petition on that score.

7. For the above stated reasons, this Court finds that the writ petition is misconceived and therefore, the same is dismissed as being devoid of merits and substance. No costs.

Sd/-

Assistant Registrar (T AND P)

/True Copy/

Sub Assistant Registrar(CS IV)

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To

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Collectorate Complex, K.R.Nagar,  
Virudhunagar.
- 4.The Deputy Registrar of Co-operative Societies,  
Melamada Street,  
Srivilliputhur,  
Virudhunagar District.

1CC TO MR.V.O.S. KALAISELVAM, ADVOCATE SR 80881  
1CC TO THE SPL GOVT PLEADER SR 80775

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