

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.11.2019

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

W.P.No.31723 of 2019
and W.M.P.No.31929 of 2019

G.Jaivigneswar

.. Petitioner

/versus/

- 1.Managing Director,
Tamilnadu Co-operative Milk Producer's Federation Ltd.,
No.3, Pasimpon Muthuramalingam Salai,
Chamiers Road,
Nandanam, Chennai-600 035.
- 2.General Manager,
The Dharmapuri Dist. Co-operative Milk Producer's Union Ltd.,
Kanagamuthu Post, Salem Main Road,
Krishnagiri-635 002.
- 3.Assistant General Manager, Dairying
The Dharmapuri Dist. Co-operative Milk Producer's Union Ltd.,
Kanagamuthu Post, Salem Main Road,
Krishnagiri-635 002.
- 4.Deputy Registrar (Dairying)
Milk & Dairy Development,
Kanagamuthu Post, Salem Main Road,
Krishnagiri-635 002.
- 5.Sub Registrar of Co-operative Society,
Kanagamuthu Post, Salem Main Road,
Krishnagiri-635 002.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issue of Writ of Certiorarified Mandamus, to call for the records of the 4th respondent notice dated 23.09.2019 vide No.Na.Ka.1321/2019/E and the second notice dated 25.10.2019 vide No.Thi. Thi. 01/2019-2020/E-(5) and to quash the same as being illegal and unsustainable in law and consequently forbear the 4th respondent

from proceeding further in surcharge proceedings under Section 87 of the Tamil Nadu Co-operative Societies Act, 1983.

For Petitioner : Mr.C.Vidhusan
for C.Sangamithirai

For Respondents : Mr.Bala Ramesh, SGP

O R D E R

Heard the learned counsel for the petitioner and the learned Special Government Pleader for the respondents.

2. The notice issued to the petitioner under Section 87 of the Tamil Nadu Co-operative Societies Act is challenged in this writ petition. One of the reasons stated in the said notice is that the 81 enquiry which is the basis for issuing show cause notice for initiating surcharge proceedings under Section 87 has not been served to the petitioner herein in spite of request. Therefore, this Court finds that the petitioner can effectively defend the Section 87 proceedings, if the petitioner enquiry report under Section 81 is served to the petitioner herein.

3. Therefore, the 4th respondent is hereby directed to serve a copy of the 81 enquiry to the petitioner herein and thereafter proceed with the proceedings initiated against under Section 87 of the Act.

4. With the above observation, this writ petition is disposed of. Consequently, the connected miscellaneous petition is also closed. No costs.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

rpl

To

1.Managing Director,
Tamilnadu Co-operative Milk Producer's Federation Ltd.,
No.3, Pasimpon Muthuramalingam Salai,
Chamiers Road,
Nandanam, Chennai-600 035.

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- 2.General Manager,
The Dharmapuri Dist. Co-operative Milk Producer's Union Ltd.,
Kanagamuthu Post, Salem Main Road,
Krishnagiri-635 002.
- 3.Assistant General Manager, Dairying
The Dharmapuri Dist. Co-operative Milk Producer's Union Ltd.,
Kanagamuthu Post, Salem Main Road,
Krishnagiri-635 002.
- 4.Deputy Registrar (Dairying)
Milk & Dairy Development,
Kanagamuthu Post, Salem Main Road,
Krishnagiri-635 002.
- 5.Sub Registrar of Co-operative Society,
Kanagamuthu Post, Salem Main Road,
Krishnagiri-635 002.
- 6.President,
S.1351 Primary Agricultural
Co-operative Credit Society,
Periyagoundapuram,
Vazhapadi Taluk, Salem District.

+1cc to C.Sangamithirai, Advocate sr.93428
+1cc to Government Pleader SR.NO. 94128

W.P.No.31723 of 2019
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