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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.03.2020

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.39519 of 2005

Mr.P.S.Santhanam

..

Petitioner

-vs-

1. Deputy Registrar (Dairy)
Office of the Deputy Registrar (Dairy)
Vellore
2. Managing Director
Vellore-Thiruvannamalai District
Cooperative Milk Producers Union
Vellore
3. The Cooperative Sub Registrar
(Enquiry Officer)
Office of the Deputy Registrar (Dairy)
Vellore-6
4. The Inspector of Police
Commercial Crime Investigation Wing (CID)
Vellore .. Respondents

Petition under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, forbearing the respondents 1 to 4 from proceeding further on the basis of the Enquiry Report against the petitioner, without following due process of law and without issuing the copy of the Enquiry Report dated 23.7.2004.

For Petitioner :: No appearance

For Respondents:: Mrs.T.Girija
Additional Government Pleader
for R1 to 3
Ms.Thangavadhana Balakrishnan
Additional Government Pleader
for R4



ORDER

This writ petition has been filed by Mr.P.S.Santhanam seeking issuance of a mandamus, forbearing the respondents 1 to 4 from proceeding further on the basis of the enquiry report filed against the petitioner, without following due process of law and without issuing the copy of the enquiry report dated 23.7.2004.

2. The counter affidavit filed by the Deputy Registrar (Dairying), Vellore, the first respondent herein shows that the prayer in the writ petition has become infructuous, since the enquiry officer had submitted his report on 23.7.2004 indicating the commission of various irregularities and the causing of financial loss of Rs.21,68,825.20p to the Vellore-Thiruvannamalai District Cooperative Milk Producers Union Limited by the officers named therein. It is also seen that on the basis of the enquiry report, a criminal complaint was also lodged on 23.11.2005 against the petitioner and other officers, with the Superintendent of Police, CCIW, CID, Chennai by the Deputy Registrar (Dairying), Vellore, the first respondent herein. However, surcharge action under Section 87 of the Tamil Nadu Cooperative Societies Act, 1983 was also initiated against the petitioner and other delinquents by the first respondent and thereafter, the surcharge proceedings under Section 87 were also confirmed.

3. In the light of the above, since action had already been taken on the basis of the report of the enquiry, nothing survives in the writ petition. Therefore, the writ petition is dismissed as infructuous. Consequently, W.P.M.P.No.42357 of 2005 & W.V.M.P.No.41 of 2010 are also dismissed. No costs.

Sd/-

Assistant Registrar(CS-VI)

//True copy//

Sub Assistant Registrar

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To

1. The Deputy Registrar (Dairy)
Office of the Deputy Registrar (Dairy)
Vellore



2. The Managing Director
Vellore-Thiruvannamalai District
Cooperative Milk Producers Union
Vellore

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3. The Cooperative Sub Registrar
(Enquiry Officer)
Office of the Deputy Registrar (Dairy)
Vellore-6

4. The Inspector of Police
Commercial Crime Investigation Wing (CID)
Vellore

+1cc to Government Pleader SR.No.20195

W.P.No.39519 of 2005

KS (CO)
GMY (01/07/2020)