

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.09.2020

CORAM

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P.No.12900 of 2020

&

W.M.P.No.15954 & 15956 of 2020

K.S.Muraliprasad

...Petitioner

Vs.

1.The Deputy Registrar(Dairying),  
Vellore.

2.The Managing Director,  
Tamil Nadu Co-operative Milk Producers  
Federation Ltd.,  
3, Chamiers Road,  
Nandanam, Chennai - 600 035.

...Respondents

Prayer:Writ Petition filed under Section Article 226 of the Constitution of India praying Writ of Certiorari, to call for the records relating to the impugned Surcharge order issued by the 1<sup>st</sup> respondent in Tha.The.No.07/2019 dated 21.11.2019 and the subsequent impugned order of recovery issued by the 2<sup>nd</sup> respondent in Na.Ka.No.13215/pa.ku.tho.uoo.2/2019 dated 19.02.2020 served on the petitioner through email dated 31.03.2020 and to quash the same.

|                 |   |                           |
|-----------------|---|---------------------------|
| For Petitioner  | : | Mr.G.Sankaran             |
| For Respondents | : | Mr.R.Bala Ramesh, Spl.G.P |

ORDER

This matter is taken up through web hearing.

2.It is the case of the petitioner that surcharge order was dated 21.11.2019 passed in pursuance of the surcharge proceedings initiated under Section 87 of the Tamil Nadu Co-operative Societies Act, 1983 has not been communicated yet. Therefore, he has come to this Court under Article 226 of Constitution of India challenging the proceedings and the consequential order of recovery dated 19.02.2020. However, this statement made on behalf of the petitioner is disputed by the learned counsel for the respondent. Without going into the factual dispute as to whether copy of the order was furnished or not, taking into consideration the provisions of the Co-

operative Societies Act that an appeal is provided against the surcharge proceedings, under Section 152(2) before the Tribunal, the writ petition stands disposed of without dealing with the merits of the case, with liberty to the petitioner to approach the Tribunal and raise all his objections before the Tribunal. At this, Mr.G.Sankaran, learned counsel for the petitioner would submit that without producing a copy of the Surcharge order, the petitioner will not be able to approach the Tribunal.

3.Be that as it may, in case the order copy is not furnished to him as claimed by the petitioner, the respondents are directed to furnish a copy of order to enable the petitioner to avail the alternate remedy under the Act. Such copy should be furnished at an early date, so that the petitioner could challenge the surcharge proceedings as well as the consequential adverse order of recovery passed against him before the Tribunal constituted under the Tamil Nadu Co-operative Societies Act.

4.With the above directions, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

s/d-  
Assistant Registrar

True Copy

Sub-Assistant Registrar

mrn/pns

To

1.The Deputy Registrar(Dairying),  
Vellore.

2.The Managing Director,  
Tamil Nadu Co-operative Milk Producers  
Federation Ltd.,  
3, Chamiers Road,  
Nandanam, Chennai - 600 035.  
+1 CC to The Govt. Pleader sr 31678.

W.P.No.12900 of 2020

BR(CO)

SP(22/10/2020)