

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.12.2020

CORAM :

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

W.P.No.16332 of 2020

(Heard through Video Conferencing)

J.Krishnakumar

.. Petitioner

Vs.

1.The Registrar of Co-operative Societies
No.170, NV Natrajan Maaligai
Periyar EVR High Road
Poonamallee High Rod
Kilpauk (Opposite Ega Cinema Hall)
Chennai - 600 010.

2.The Joint Registrar of Co-operative Societies
Arokiasamy Street
K.K.Pudur
Coimbatore - 641 038.

3.Palanisamy Manoharan
Deputy Registrar
Pollachi Co-operative Wholesale Department
Palladam Road
Pollachi - 42 002.

.. Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the first respondent to conduct an enquiry and to take appropriate action against the third respondent against his irregularities during course of his tenure.

For Petitioners: Mr.Avinash Wadhwani

For Respondents: Ms.T.Girija

Additional Government Pleader [R1 & R2]
Mr.M.S.Palaniswamy for R3

O R D E R

The relief sought for in this writ petition is for a direction to the first respondent to conduct enquiry and to take appropriate action against the third respondent.

2. The petitioner is an agriculturist. It is alleged that one Balakrishnan and his wife had involved in illegal handling of ration supplies and hence, the petitioner sent a complaint to the Deputy Registrar, Pollachi Co-operative Wholesale Department, the third respondent herein about Balakrishnan. Later, he came to know that the third respondent herein is the brain behind the activities of Balakrishnan and in collusion with the third respondent, the said Balakrishnan had mishandled the ration supplies. On receipt of the complaint at his end, the third respondent forced Balakrishnan to lodge a complaint against the petitioner and a case in Crime No.9/2020 came to be registered in Mahalingapuram Police Station, Pollachi-2, and was taken on file in C.C.No.197 of 2020 on the file of learned Judicial Magistrate-II, Pollachi. Challenging which, the petitioner had filed Crl.OP.No.13098/2020, which came to be closed based on the compromise entered into between the petitioner and Balakrishnan, and in the affidavit filed by Balakrishnan, it is stated that at the instance of the third respondent, a false complaint was foisted against the petitioner. The third respondent is now at the stage of retirement from his service, but still he continues to indulge in illegal activities, hence the petitioner has sent a representation dated 19.09.2020 to the Hon'ble Chief Minister Cell with a copy marked to the respondents 1 and 2, to take appropriate action against the third respondent. Since, no response is forthcoming, the petitioner is before this Court.

3. Heard the learned counsel appearing on both sides and perused the materials placed before this Court.

4. Considering the facts and circumstances of the case and the submissions made on either side, this Court, without expressing any opinion on the merits of the case, directs the second respondent to consider the representation of the petitioner dated 19.09.2020, enquire into the same and pass appropriate orders on merits and in accordance with law, after issuing notice to the petitioner and also to the persons interested in this regard and by affording them an opportunity of personal hearing or virtual hearing or otherwise, considering their written objections and after verifying the relevant documents, within a period of eight weeks from the date of receipt of a copy of this order.

5. With the above directions, the writ petition is disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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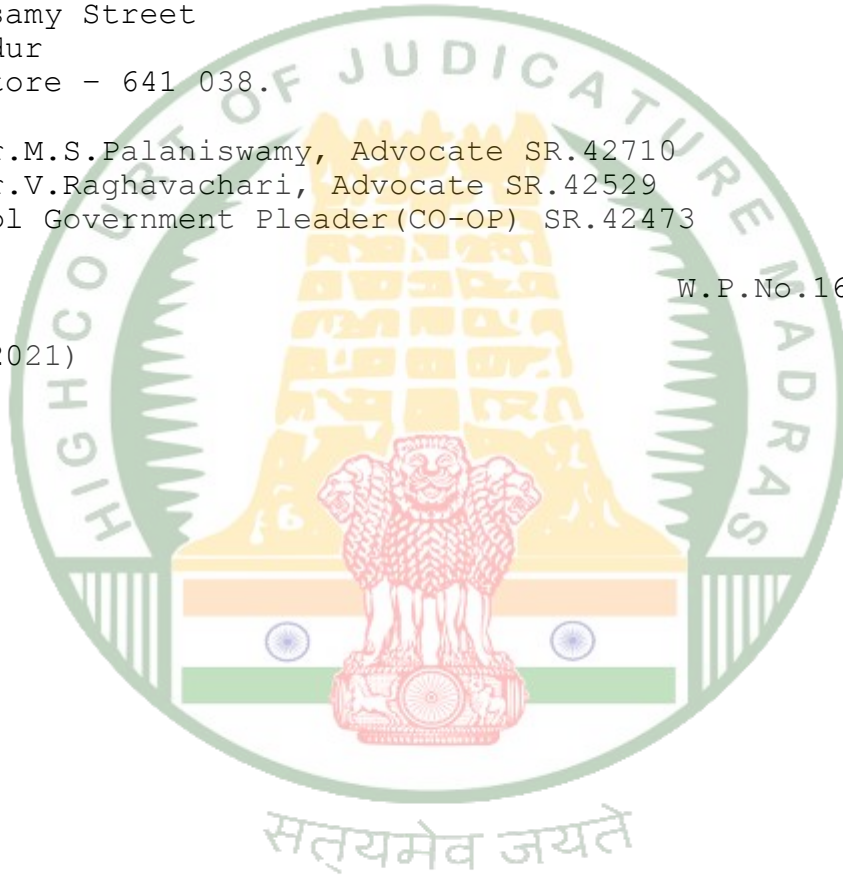
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+1cc to Mr.M.S.Palaniswamy, Advocate SR.42710
+1cc to Mr.V.Raghavachari, Advocate SR.42529
+1cc to Spl Government Pleader (CO-OP) SR.42473

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BR(CO)
CB(01/02/2021)



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