



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.09.2020

CORAM

WEB COPY

THE HONOURABLE **MR. JUSTICE G.R. SWAMINATHAN**

W.P. (MD) No. 9489 of 2020

K.K.Umadevan

...Petitioner

Vs.

1.The Principal Secretary to Government,
Tamil Nadu Dairy Development
Department of Milk and Dairy,
St.George Fort, Chennai-600 009.

2.The Managing Director,
Sivagangai District Milk Producers Cooperative Union,
O.Siruvayal Road, Kalanivasal, Karaikudi-630 002,
Sivagangai District.

3.The Deputy Registrar (Milk Development),
Kunurayar Street, Manamadurai,
Sivagangai District.

4.Ashokan

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus, to direct the respondents 1 to 3 to take necessary action to cancel the selection of the fourth respondent as the President of the Sivagangai District Milk Producers Cooperative Society (Aavin), declare the said post as vacant and consequently direct them to conduct the election in a democratic manner and in accordance with law based on the petitioner's representation dated 14.02.2020.

For Petitioner : No Appearance

For R1 : Mr.M.Rajarajan,
Additional Government Pleader

For R2 : Mr.E.Mareeshkumar

For R4 : Mr.G.Prabhu Rajadurai

**ORDER**

None appears for the writ petitioner. Heard the learned Additional Government Pleader appearing for the first respondent and the learned counsel appearing for the second and fourth respondents respectively.

2. This writ petition has been filed for a direction to the respondents 1 to 3 to take action for cancelling the selection of the fourth respondent as the President of the second respondent union.

3. The petitioner wants fresh election to be conducted. The petitioner had given representation in this regard on 14.02.2020.

4. When the matter was listed for admission, I expressed serious doubts regarding the maintainability of the writ petition and adjourned the matter. Today, there is no representation on behalf of the petitioner.

5. I have heard the learned counsel for the respondents and went through the materials on records.

6. It is firmly submitted by the fourth respondent's counsel that the petitioner is not even a member of the concerned milk society. That apart, the election of the fourth respondent had taken place way-back in the year 2018. After more than 2 years, this writ petition came to be filed. The learned counsel for the fourth respondent submitted that the very institution of this petition is motivated.

7. In fact, the learned Standing Counsel for the Union would point out that even though this Court had only adjourned the proceedings calling upon the petitioner's counsel to satisfy regarding maintainability, the matter was reported in the local News Paper. This according to the learned Standing Counsel as well as the fourth respondent's counsel would indicate the political motives actuating the writ petitioner.

8. I am of the view that the petitioner has no *locus-standi*. No case has been made out. The only ground taken by the petitioner in his affidavit filed in support of this writ petition is that the fourth respondent is a member of Karungulam Milk Producers Cooperative Societies and that he is not residing within the area of operation of the second respondent.

9. The counsel for the fourth respondent rebuts the said allegation. According to him, the fourth respondent had shifted from Karungulam long back and his Aadhar Card and the other documents would clearly show that he is very much residing within the area of operation of the second respondent. The learned Standing Counsel also confirms that the fourth respondent very much fulfills the requirement as regards residence.



10.I find no merits in this writ petition and the same stands dismissed. No costs.

WEB COPY

// True Copy //

Sd/-

Assistant Registrar (CS-II)

/ /2020

Sub Assistant Registrar(CS)

gns

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

The Principal Secretary to Government,
Tamil Nadu Dairy Development
Department of Milk and Dairy,
St.George Fort, Chennai-600 009.

+1 CC to the SPL GP (SR-15704[F] dated 02/09/2020)

W.P. (MD) No. 9489 of 2020

CS(10.09.2020) 3P 3C