

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 03.11.2020

CORAM:

THE HONOURABLE **MR. JUSTICE S.M.SUBRAMANIAM****W.P. (MD) No. 4071 of 2014****and****M.P (MD) .No.1 of 2014**

K.Senthamaraikannan

... Petitioner

Vs.

1.The Deputy Registrar(Dairying)
Tirunelveli Circle, Collectorate Complex
Kokkirakulam, Tirunelveli.

2.The President, VRD 78,
Kizhapavoor Kannan Milk,
Producers Co Operative Society,
Kizhapavoor, Alangulam Taluk,
Tirunelveli District.

... Respondents

PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st respondent to implement the order passed by him in his proceeding vide Na.Ka.No.2642/2013/E3 dated 02.12.2013, by requiring the 2nd respondent to comply with the same within a fixed period and take suitable actions in the event of failure and further pray to this Court to grant pass such orders or other suitable orders which the Court may in the circumstances of the case.

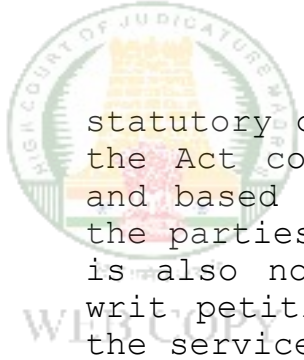
For Petitioner	: Mr.S.Ramesh Alias Ramiah
For R1	: Mr.C.M.Mari Chelliah Prabhu
	Additional Government Pleader
For R2	:Mr.M.E.Ilango

ORDER

The relief sought for in the present writ petition is to direct the first respondent to implement the order passed by the first respondent in proceeding dated 02.12.2013.

2.The prayer itself is to implement the order of the first respondent by the first respondent. The order of the first respondent dated 02.12.2013 states that the service of the writ petitioner was dispensed with without any notice. Thus, he should be provided with an opportunity. The said order passed by the first respondent is non-speaking and no reasons are furnished. The copy of the said letter was not communicated to the writ petitioner.

3.This Court is of the opinion that the writ petitioner is working as a Milk Vendor in the Co-operative Society and therefore, he has to approach the competent authority by filing a statutory revision petition under Section 153 of the Tamil Nadu Co-operative Societies Act. The order dated 02.12.2013 cannot be construed as a



statutory order passed under Section 153 of the Act. Section 153 of the Act contemplates the adjudication of the issues on the merits and based on the evidences and by affording an opportunity to all the parties concerned. The writ petitioner was working on what basis is also not yet made available before this Court and whether the writ petitioner is a temporary employee or full wage employee and the service records of the writ petitioner and the adjudication with reference to the documents. Such an exercise cannot be undertaken in a writ proceedings filed under Article 226 of the Constitution of India.

4.Thus, the writ petitioner is at liberty to approach the competent authority by filing the revision petition under Section 153 of the Tamil Nadu Co-operative Societies Act and even filing the statutory revision petition in a prescribed format and by paying the necessary fees and such revision petition is to be adjudicated on merits and in accordance with law.

5.With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (P&A)

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/ /2020

Sub Assistant Registrar(CS)

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To

The Deputy Registrar(Dairying)
Tirunelveli Circle, Collectorate Complex
Kokkirakulam, Tirunelveli.

+1 CC to M/s.SPL GP (SR-21121[F] dated 04/11/2020)

W.P. (MD)No.4071 of 2014
and
M.P (MD) .No.1 of 2014

SS (CO)
KB(11.11.2020) 2P 3C