



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.12.2021

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.18422 of 2015

and

M.P.No. 1 of 2015

K.Chellapillai

... Petitioner

Vs.

1. The Secretary,
Animal Husbandry, Diaries
and Fisheries Department,
Fort St. George, Chennai -9.
2. The Commissioner of Milk Production,
and Dairy Development,
Madavaram Milk Colony, Chennai-51
3. The Deputy Registrar (Diary),
Perambalur, Perambalur District.

4. M.K.Rajendran

...Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, calling for the records relating to Na. Ka. 859/2014 E dated 15.06.2015 issued by the 3rd respondent and quash the same as being illegal, arbitrary, unconstitutional and consequently direct the 2nd respondent to conduct the enquiry upon the representation dated 12.06.2015 for the 4th respondent corrupt practice in the society.

For Petitioner :Mr.T.Sundaravadanam

For Respondents :Mr.M.R.Gokul Krishnan [For R3]
Government Advocate
No Appearance [For R1 and R2]
Mr.A.L.Namasivayam [For R4]

O R D E R

The Show cause notice dated 15.06.2015 issued by the third respondent- The Deputy Registrar (Diary) is under challenge in the present writ petition.



2. The show cause notice was issued based on the complaint dated 04.05.2015 given by the public to the District Collector as well as enquiry report dated 07.05.2015 given by the Senior Inspector. The impugned notice states that the petitioner is at liberty to submit his explanations or objections within a period of seven(7) days, failing which further action will be initiated.

3. The learned counsel for the respondent brought to the notice of this Court that during the pendency of the writ petition, the petitioner submitted his explanations and an enquiry was also conducted. In this regard, a final order dated 16.06.2021 was passed and therefore, the writ petition became infructuous.

4. The learned counsel for the petitioner reiterated that there are several allegations against the Secretary of the Society and no action has been taken against the Secretary, instead action has been taken only against the President and Vice President and therefore, further enquiry is to be conducted in this regard.

5. However, there are allegations against the petitioner also. Therefore, the authorities competent are bound to conduct enquiry in respect of all such allegations against the parties concerned including the petitioner in the interest of the society.

6. This Court is of the considered opinion that allegations in respect of any illegality or/ and misappropriation of funds of the society have to be looked into seriously, the authorities competent are bound to conduct an enquiry and in the present case, the statutory enquiry under section 81 of the Tamil Nadu Co-operative Societies Act was conducted and the final report also was filed. If at all the petitioner is not satisfied or possessing any other evidence in respect of any illegality, it is left open to the petitioner to approach the competent authorities for initiation of appropriate action. Contrarily, this Court cannot go into the personal allegation as against the show cause notice issued, which is challenged in the writ petition. Thus, the petitioner is at liberty to approach the competent authorities for the purpose of redressal of his grievances.

7. With these observations, the writ petition stands



disposed of. No costs. Consequently, connected miscellaneous petition is closed.

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Sd/-
Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar

nti/Maya

To

1. The Secretary,
Animal Husbandry, Diaries
and Fisheries Department,
Fort St. George, Chennai -9.
2. The Commissioner of Milk Production,
and Diary Development,
Madavaram Milk Colony, Chennai-51
3. The Deputy Registrar (Diary),
Perambalur, Perambalur District.

+1cc to Mr.T.Sundaravadanam, Advocate, S.R.No.65729

+1cc to the Government Pleader, High Court, Madras, S.R.No.65839

W.P.No.18422 of 2015

SJ(CO)
SU(22/12/2021)