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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.04.2021

CORAM

THE HONOURABLE MR.JUSTICE R. MAHADEVAN

W.P.No.10278 of 2021 &
WMP.No. 10871 of 2021

The Periyanesalur (East) Milk Co-op. Society,
represented by its Secretary
S. Amudha,
Periyanesalur Post,
Virudhachalam Taluk,
Cuddalore District.

... Petitioner

Vs.

1.The District Collector,
Cuddalore District,
Cuddalore.

2.The Deputy Registrar,
Co-operative Society (Diarying),
Cuddalore.

3.The President of TN.D.1366
Periyanesalur (Women) Milk Co-operative
Society, Periyanesalur Post,
Veppur Taluk,
Cuddalore District 606 304.

... Respondents

Prayer: Writ Petition filed under Section 226 of Constitution of India praying for issuance of Writ of Mandamus directing the 2nd respondent to take necessary action against the 3rd respondent as per letter in Na.Ka.No.1198/E/2019 dated 31.10.2019 and prevent the 3rd respondent from procuring milk within the limit of the petitioner's society .

For Petitioner : Mr. S.Saravanakumar

For Respondents: Mr. M.D.Ilayaraja,
Govt. Advocate -R1
Mr. L.P.Shanmuga Sundaram,
Spl. Govt. Pleader for R2 and R3



O R D E R

This Writ Petition has been filed by the petitioner seeking a Mandamus directing the 2nd respondent to take action against the 3rd respondent as per his letter dated 31.10.2019 and prevent the 3rd respondent from procuring milk within the limit of the petitioner's society.

2. According to the petitioner, the 3rd respondent society is procuring milk within the limit of the petitioner's society. In this regard, the petitioner society made a representation dated 30.09.2019 to the Chief Minister Cell, pursuant to which, enquiry was conducted and a report was filed by the Divisional Senior Inspector, Virudhachalam on 31.10.2019. Based on the same, the 2nd respondent sent a communication in Na.Ka.No.1198/E/2019 dated 31.10.2019 to the third respondent, with a copy marked to the petitioner, directing the third respondent not to procure the milk within the area of operation of the petitioner i.e., Vilambavur village, failing which, appropriate action be taken as per the Tamil Nadu C-operative Societies Act and Rules. Despite the said communication, the third respondent is procuring the milk in that area. Aggrieved over the same, the petitioner has come up with this writ petition for the aforesaid relief.

3. Today, when the matter was taken up for hearing, the learned Special Government Pleader appearing for the respondents 2 and 3 produced a letter received from the second respondent in Roc.No.31/D/2021 dated 27.04.2021, wherein, in paragraphs 7 and 8, it is stated as follows:

"7. It is submitted that the 2nd respondent as per the letter Roc.No.31/D/2021 dated 27.04.2021 direct the 3rd respondent to stop taking milk from the petitioner's society members and from its area of operation including Vilambavur village.

8. It is submitted that the 3rd respondent submitted a letter dated 27.04.2021 that they were stopped collection of milk from the petitioner's society members and Vilambur village from 27.04.2021 evening."

He has also produced a copy of the letter dated 27.04.2021 addressed to the second respondent by the third respondent to that effect. Therefore, nothing survives for adjudication herein, according to the learned counsel.

4. Recording the aforesaid submission and the communications produced on the side of the respondents, this writ petition stands closed. However, it is made clear that if there is any violation with regard to the undertaking given by the third



respondent in its communication dated 27.04.2021, the same shall be considered and appropriate action would be taken by the respondent authorities, as per law. No costs. Consequently, the connected Miscellaneous petition is closed.

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Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

msr

To

- 1.The District Collector,
Cuddalore District,
Cuddalore.
- 2.The Deputy Registrar,
Co-operative Society (Diarying),
Cuddalore.
- 3.The President of TN.D.1366
Periyanesalur (Women) Milk Co-operative
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+lcc to the Government pleader Sr.27045
+lccs to the Special Government Pleader Sr.27019, 27015

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rk[co]
srg 14/07/2021