

IN THE HIGH COURT OF JUDICIATURE AT MADRAS

DATED : 27.05.2021

CORAM :

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

W.P.No.12047 of 2021 and
W.M.P. Nos.12820, 12821 and 12822 of 2021

1.R.Vasantha

2.V.Umadevi

3.P.Sumathi

4.M.Sivagami

.... Petitioners

versus

1.The District Collector,
Cuddalore District,
Cuddalore.

2.The Deputy Registrar of
Co-operative Societies (Dairying),
Cuddalore, Cuddalore District.

3.The Periyanesalur (East) Milk Co-operative
Societies Ltd., (Regn. No.T.N.D.1539),
rep. by its Secretary S.Amudha,
Periyanesalur Post,
Virudhachalam Taluk,
Cuddalore District.

4.The Periyanesalur (Women) Milk Co-operative
Societies Ltd., (Regn. No.T.N.D.1366),
rep. by its Secretary N.Rani,
Periyanesalur Post,
Veppur Taluk,
Cuddalore District.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, seeking to issue a Writ of Certiorari, calling for the entire records pertaining to the Certificate of Registration in Form No.14 dated 21.02.2011 issued by the second respondent and the consequential letter in Na.Ka.No.1198/E/2019 dated 31.10.2019 of the second respondent and quash the same so far as

it includes Vilambavur Village in the area of operation of the third respondent.

For Petitioners : Mr.S.Thangavel

For Respondents : Mr.C.Harsha Raj,
Government Advocate
for R1 & R2

Mr.L.P.Shanmuga Sundaram
for R4

O R D E R

This writ petition is filed by the members of the fourth respondent Society, which is a Milk Co-operative Society controlled by the second respondent Deputy Registrar of Co-operative Societies (Dairying).

2.The short point involved in this writ petition is that Vilambavur Village at Cuddalore District is demarcated to the fourth respondent society for procurement of milk. In other words, the said village falls within the fourth respondent area of the operation. The petitioners, who are the members of the fourth respondent Society has supplied the produce to the fourth respondent till recently. While so, the third respondent Society which was incorporated in the year 2006, 10 years after the fourth respondent society came into existence, claims Vilambavur Village within its area of operation. A writ petition was filed by the third respondent Society seeking a direction in the nature of mandamus to instruct the producers in Vilambavur Village to supply their produce to the third respondent Society and it appears that the then Secretary of the fourth respondent had conceded to the request and a consent order has been passed by this Court on 30.04.2021 in favour of the third respondent society.

3.Now the grievance of the petitioners herein is that without the knowledge of the members, the Secretary of the fourth respondent has conceded the area of operation to the third respondent Society. Having come to know about the order passed by the Court and de-limitation of the Vilambavur Village from the area of operation of the fourth respondent Society, the petitioners herein have given a representation to the second respondent on 11.05.2021 to settle the dispute and pass order directing the fourth respondent Society to procure milk from the villagers of the Vilambavur Village.

4.After considering the averments made in the writ petition and the submissions made by the learned counsel appearing for

the petitioners, the learned Government Advocate appearing for respondents 1 and 2 and the learned counsel appearing for the fourth respondent, this Court finds that the Milk Producers of Vilambavur Village wants to be attached with the fourth respondent Society. However, by virtue of the earlier order passed by this Court on 30.04.2021, which according to the petitioners was passed without taking into the consideration the opinion of the members and candid consent given by the Secretary of the Society, the Vilambavur Village is now been attached to the third respondent Society. Since dispute has arisen between the members and the Society, it is appropriate for the second respondent to consider the dispute and pass order regarding the area of operation of the 3rd and 4th respondents Societies without any overlapping.

5. Therefore, the petitioners herein are directed to file appropriate petition under Section 90 of the Tamil Nadu Co-operative Societies Act before the second respondent for adjudication. The second respondent, on receipt of the said petition, shall decide the dispute in accordance with law, after giving opportunity to all the parties concerned. The second respondent shall preferably dispose of the said petition within 60 days from the date of receipt of the petition. The petitioners herein are granted four weeks time to file their petition before the second respondent. Till the disposal of the petition, the members of the fourth respondent Society are permitted to supply their produce to the fourth respondent Society. Accordingly, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (VO)

//True Copy//

Sub Assistant Registrar

vga

To

1. The District Collector,
Cuddalore District,
Cuddalore.

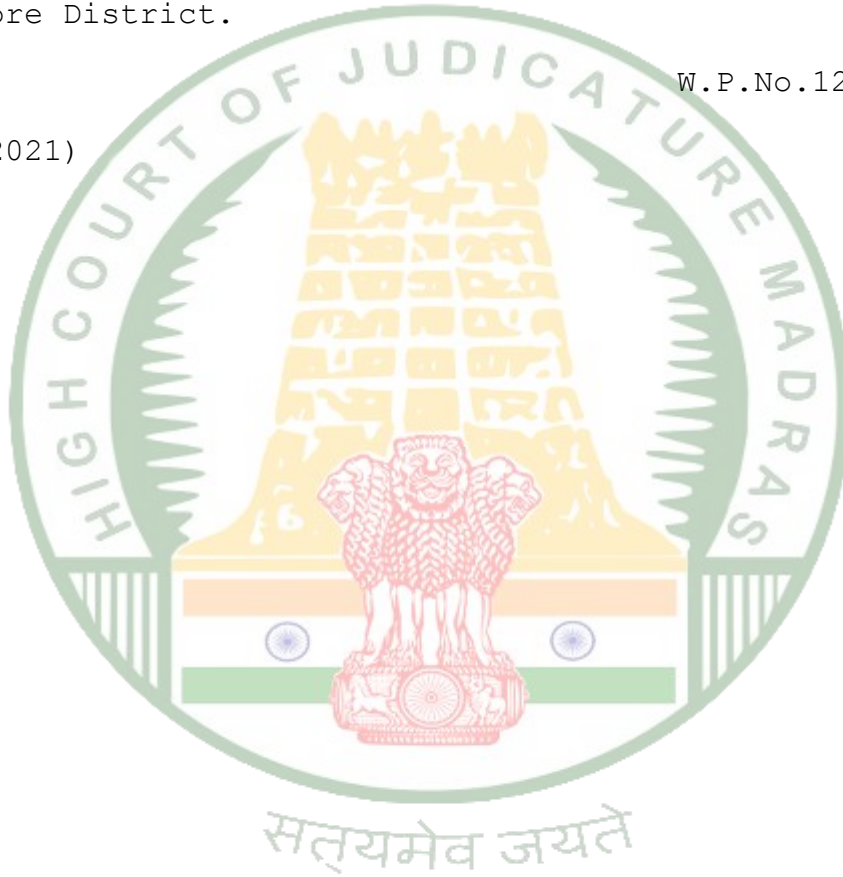
2. The Deputy Registrar of
Co-operative Societies (Dairying),
Cuddalore, Cuddalore District.

3.The Secretary,
The Periyanesalur (East) Milk Co-operative
Societies Ltd., (Regn. No.T.N.D.1539),
Periyanesalur Post,
Virudhachalam Taluk,
Cuddalore District.

4.The Secretary,
The Periyanesalur (Women) Milk Co-operative
Societies Ltd., (Regn. No.T.N.D.1366),
Periyanesalur Post,
Veppur Taluk,
Cuddalore District.

W.P.No.12047 of 2021

PP(CO)
CB(03/06/2021)



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