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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.12.2021

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.NOS.26865 AND 26870 OF 2021

1. R.Pasumalai ... Petitioner in  
W.P.No.26865 of 2021

2. S.T.Murugan ... Petitioner in  
W.P.No.26870 of 2021

.Vs.

1. The Secretary to Government,  
Food and Cooperation Department,  
Fort St. George,  
Chennai - 600 009.

2. The Register of Cooperative Societies,  
Kilpauk, Chennai - 600 010.

3. The Superintendent of Police,  
CCIW CID, Guindy,  
Chennai - 600 032.

... Respondents in  
both W.Ps

PRAYER IN W.P.NO.26865 OF 2021:-

Writ Petition filed Under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the respondents to conduct elaborate enquiry inregarding with irregularities committed in the CL.SPL.61 Sathyamangalam Primary Agricultural Cooperative Credit Society, Sathyamangalam, Gingee Taluk, Villupuram District and take action against the officials, who colluded with the then Secretary and take appropriate action against the persons, who committed such irregularities by disposing the written representation made by the petitioner on 02.09.2021 within a stipulated time.

PRAYER IN W.P.NO.26870 OF 2021:-

Writ Petition filed Under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the respondents



to conduct elaborate enquiry inregarding with irregularities committed in the CL.SPL.61 Sathyamangalam Primary Agricultural Cooperative Credit Society, Sathyamangalam, Gingee Taluk, Villupuram District and take action against the officials, who colluded with the then Secretary and take appropriate action against the persons, who committed such irregularities by disposing the written representation made by the petitioner on 31.08.2021 within a stipulated time.

For Petitioners : Mrs.Hemalatha  
In both W.Ps

For R1 and R2 : Mr.A.Selvendran  
Special Government Pleader  
In both W.Ps

For R3 : Mr.L.S.M.Hasan Fazal  
Additional Government Pleader  
In both W.Ps

#### COMMON ORDER

The relief sought for in the present writ petitions is to direct the respondents to conduct elaborate enquiry regarding the irregularities committed in CL.SPL.61 Sathyamangalam Primary Agricultural Cooperative Credit Society, Sathyamangalam, Gingee Taluk, Villupuram District.

2. The petitioners, namely, Mr.R.Pasumalai was working as Senior Clerk and Mr.S.T.Murugan was working as Attender in the Cooperative society and one Mr.Sadhiq Basha, was working as the Secretary. The petitioners raised several allegations against the Secretary and the officials of the Cooperative Department.

3. The grievances of the writ petitioners is that they submitted representations before the respondents on 02.09.2021 and 31.08.2021 respectively, to conduct an elaborate enquiry regarding the irregularities committed into the affairs of the Sathyamangalam Primary Agricultural Cooperative Credit Society. The inaction on the part of the authorities resulted in filing of the present writ petitions.

4. Perusal of the documents reveals that an additional attachment order has already been passed under Section 167 of the Tamil Nadu Cooperative Societies Act in the case of the writ petitioners Mr.R.Pasumalai and Mr.S.T.Murugan. The society filed Suits in ARC No.02/2021-2022 and ARC No.33/2021-2022 and based on the ARC proceedings instituted under the provision of the Tamil Nadu Co-operative Societies Act 1983, the additional



attachment order has been passed. In order to circumvent the said order, the petitioners have filed the present writ petitions. No doubt, if any of the allegations set out in the representations submitted by the writ petitioners are found to be true, then all appropriate actions are to be initiated. In other words, the nature of the allegations stated in the representations submitted by the petitioners also must be looked into. At the out set, if necessary a statutory enquiry under Section 167 of the Tamil Nadu Cooperative Societies Act is to be ordered for the purpose of finding out the irregularity, illegality, misappropriation or otherwise if any into the affairs of the cooperative society. The Cooperative Societies Act provides mechanism for the purpose of conducting an enquiry and to initiate all appropriate actions against the officials and the persons who all are responsible.

5. This being the scope of the Act, the respondents have to look into the allegations and initiate all appropriate action. The petitioners were also the employees of the Society and if the petitioners are responsible for any such irregularities or illegalities, actions are also to be taken against the petitioners. Thus, it is clear that in the interest of society, if necessary, a Statutory enquiry is to be ordered and based on the enquiry all further actions are to be initiated by following the procedures as contemplated under law.

6. With these directions, the Writ Petitions stand disposed of. No costs.

Sd/-  
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

Jeni/Cse

To

1. The Secretary to Government,  
Food and Cooperation Department,  
Fort St. George,  
Chennai - 600 009.
2. The Register of Cooperative Societies,  
Kilpauk, Chennai - 600 010.



3. The Superintendent of Police,  
CCIW CID, Guindy,  
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+1cc to the Government Pleader, S.R.No.68328

W.P.NOS.26865 AND 26870 OF 2021

NR(CO)  
PBS/05/01/2022