



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **17.04.2021**

CORAM

THE HONOURABLE MR.JUSTICE **N.ANAND VENKATESH**

**W.P. (MD)No.7926 of 2021**

**and W.M.P. (MD)Nos.6046 &6047 of 2021**

WEB COPY

G.Chithradevi

.. Petitioner

Vs.

1.The Deputy Milk Commissioner,  
Madurai Region,  
Aavin Complex,  
Madurai.

2.The Deputy Registrar (Dairying)  
Deputy Registrar Office,  
Manamadurai,  
Sivagangai District.

3.The Circle Senior Inspector,  
Deputy Registrar Office (Dairying)  
Manamadurai,  
Sivagangai District.

4.The President,  
M.S.194, Alavakottai Milk Produces,  
Co-operative Society Ltd.,  
Madagupatti Viz., Alavakottai Post,  
Sivagangai Taluk,  
Sivagangai District.

.. Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, calling for the records relating to the impugned order passed by the 2<sup>nd</sup> respondent in Na.Ka.No.1302/2020/ ~~201~~ dated 15.03.2021, consequently issued the impugned reply by the 2<sup>nd</sup> respondent in Na.Ka.No.1302/2020/~~201~~ dated 16.03.2021 and impugned summon issued by the 3<sup>rd</sup> respondent dated 24.03.2021 and quash the same as illegal.

For Petitioner : Mr.A.Bartheeban

For Respondents : Mr.E.Mareesh Kumar,  
Standing Counsel for R1 to R3

Mr.P.Mahendran,  
Addl. Govt. Pleader for R4

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ORDER

The subject matter of challenge in this Writ Petition are as follows:

(a) initiation of proceedings under Section 81 of the Co-operative Societies Act, 1983 (hereinafter referred to as "the Act"), based on the representation given by the fourth respondent, by proceedings dated 15.03.2021; and

(b) postponement of passing the order in the appeal filed for revocation of suspension order passed by the fourth respondent on the ground that it will be considered after the completion of enquiry under Section 81 of the Act.

2. When the matter was taken up for hearing, this Court made it clear that the enquiry under Section 81 of the Act cannot be interfered with and it is only a fact finding enquiry, wherein the petitioner does not even have the *locus standi* to be heard. The learned counsel for the petitioner submitted that he will confine this Writ Petition only insofar as relief (b) is concerned, wherein the second respondent has postponed passing order in the appeal awaiting the report under Section 81 of the Act.

3. This Court posed a question to the learned Standing Counsel appearing on behalf of the respondents as to how the passing of order in the appeal can be postponed when there was a specific direction issued by this Court in the earlier Writ Petition. The learned Standing Counsel submitted that he has received instructions from the respondents to the effect that the enquiry under Section 81 of the Act will be commenced only after passing order in the appeal filed by the petitioner.

4. The submission made on either side is recorded and this Writ Petition is disposed of with a direction to the second respondent to pass orders in the appeal filed by the petitioner, challenging the order of suspension passed by the fourth respondent on the ground of jurisdiction, within a period of three (3) weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate / litigant concerned.

To

- 1.The Deputy Milk Commissioner,  
Madurai Region,  
Aavin Complex,  
Madurai.
- 2.The Deputy Registrar (Dairying)  
Deputy Registrar Office,  
Manamadurai,  
Sivagangai District.
- 3.The Circle Senior Inspector,  
Deputy Registrar Office (Dairying)  
Manamadurai,  
Sivagangai District.
- 4.The President,  
M.S.194, Alavakottai Milk Produces,  
Co-operative Society Ltd.,  
Madagupatti Viz., Alavakottai Post,  
Sivagangai Taluk,  
Sivagangai District.

+1 CC to M/s.A.BARTHEEBAN, Advocate ( SR-16158[F] dated 17/04/2021 )

+1 CC to M/s.SPL GP ( SR-16488[F] dated 19/04/2021 )

**W.P. (MD)No.7926 of 2021**  
**and W.M.P. (MD)Nos.6046 & 6047 of 2021**  
**17.04.2021**

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