



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.08.2021

CORAM

THE HON'BLE MR. JUSTICE SETHILKUMAR RAMAMOORTHY

W.P. (MD) No.14521 of 2021

P.Murugan

... Petitioner

Vs.

1.The District Collector,
Tenkasi District.

2.The Joint Registrar of Co-operative Societies,
Tirunelveli District.

3.The Deputy Registrar of Co-operative Societies,
Tenkasi,
Tenkasi District.

4.The Co-operative Sub-Registrar/Field Officer,
Kadaiyanallur,
Tenkasi District.

5.The Secretary,
0.1697 Irattaikulam Primary Agricultural-
Co-operative Credit Society,
Irattaikulam,
Tenkasi District.

6.The President,
0.1697 Irattaikulam Primary Agricultural-
Co-operative Credit Society,
Irattaikulam,
Tenkasi District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 4 herein to take action against the 6th respondent and its Board of Directors in the light of the proceedings initiated against them by the 3rd respondent vide Na.ka.2050/2020 Tho.Ve.Sa(1) dated 11.03.2021 on the basis of the petitioner's representation made before the first respondent herein in person dated 26.07.2021 within a time frame fixed by this Court.

For Petitioner	: Mr.B.Brijesh Kishore
For Respondents	: Mr.R.Baskaran
	: Counsel for State
	for R1 to R4



O R D E R

The petitioner seeks action against the Administrative Committee Members of the 0.1697 Irattaikulam Primary Agricultural Co-operative Credit Society in respect of alleged irregularities committed by them.

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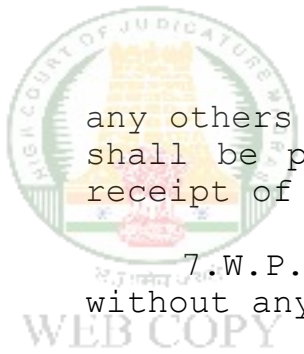
2.The petitioner states that the Administrative Committee Members of the sixth respondent society committed irregularities by availing of loans and failing to repay the same. The petitioner relies upon a communication dated 11.03.2021 from the third respondent, whereby the allegedly delinquent members of the Administrative Committee of the Society were called upon to show cause as to why the action should not be taken against them under Section 34 of the Tamil Nadu Co-operative Societies Act 1983.

3.The petitioner states that no further action was taken pursuant to the communication dated 11.03.2021. Consequently, the petitioner submitted a representation before the first respondent on 26.07.2021 and has filed the present writ petition in view of the failure on the part of the official respondents to take action in respect of the irregularities complained of.

4.Mr.R.Baskaran, learned counsel for the State, accepts notice on behalf of the respondents 1 to 4.

5.The petitioner relies heavily on the communication dated 11.03.2021, which is in the nature of a show cause notice to 8 members of the Administrative Committee of the 0.1697 Irattaikulam Primary Agricultural Co-operative Credit Society. From the facts and documents on record, it is not clear as to whether such show cause notice was responded to by the persons concerned. However, it appears that the petitioner has submitted a representation dated 26.07.2021 to the District Collector. From the averments in the affidavit, it also appears that the petitioner is a member of the aforesaid society. As such, the representation of the petitioner should be considered and disposed of on merits. The petitioner also states that the appropriate authority to initiate action under Section 34 of the Tamil Nadu Co-operative Societies Act 1983, is the second respondent herein.

6.Accordingly, without going into the merits of the matter, the petitioner is granted leave to submit a fresh representation to the second respondent with regard to the alleged irregularities. Such representation shall be submitted within a period of two weeks from the date of receipt of a copy of this order. Upon receipt thereof, the second respondent herein is directed to consider such representation and dispose of the same by a reasoned order after providing a reasonable opportunity to the petitioner, the Secretary and President of the 0.1697 Irattaikulam Primary Agricultural Co-operative Credit Society, the members of the Administrative Committee of the Society, and the members of the Society against whom the allegation of irregularity is made and



any others who may be affected by such decision. Such reasoned order shall be passed within a period of three months from the date of receipt of a copy of this order.

7.W.P.(MD).No.14521 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (A.D II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

To

1.The District Collector,
Tenkasi District.

2.The Joint Registrar of Co-operative Societies,
Tirunelveli District.

3.The Deputy Registrar of Co-operative Societies,
Tenkasi,
Tenkasi District.

4.The Co-operative Sub-Registrar/Field Officer,
Kadaiyanallur,
Tenkasi District.

+1 CC to M/s.The Special Government Pleader (SR-26741[F] dated 19/08/2021)

W.P. (MD) No.14521 of 2021

17.08.2021

RS (25.08.2021) 3P 6C