



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.11.2021

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

W.P. (MD)No. 6454 of 2018

and

W.M.P. (MD) .Nos.6263 and 6264 of 2018

WEB COPY

D. Maria George Micheal,
Milk Vendor,
Mulagumoodu Milk Producers Co-operative Society Y -124,
Mulagumoodu & Post,
Kanyakumari District. .. Petitioner

Vs.

1. The Commissioner,
Department of Milk and Dairy Development,
Chennai - 51.
2. The District Collector,
Kanyakumari District,
Nagercoil.
3. The Deputy Registrar,
Department of Milk and Dairy,
Nagercoil.
4. The Secretary,
Mulagumoodu Milk Producers Co-operative Society Y- 124
Mulagumoodu & Post,
Kanuakumari District.
5. The President,
Mulagumoodu Milk Producers Co-operative Society Y-124
Mulagumoodu & Post
Kanyakumari District,
6. S. Rabika
Computer Operator,
Mulagumoodu Milk Producers Co-operative Society Y -124
Mulagumoodu & Post,
Kanyakumari District.
7. Celin Rani,
Clerk,
Mulagumoodu Milk Producers Co-operative Society Y -124
Mulagumoodu & Post,
Kanyakumari District.



8. Jenitha Merlin,
Cashier,
Mulagumoodu Milk Producers Co-operative Society Y- 124
Mulagumoodu & Post,
Kanyakumari District.

9. P. Renjith Rajakumar,
Cattle Feed Salesman,
Mulagumoodu Milk Producers Co-operative Society Y-124
Mulagumoodu & Post,
Kanyakumari District.

10. Merlin Kalos,
Milk Vendor,
Mulagumoodu Milk Producers Co-operative Society Y- 124
Mulagumoodu & Post,
Kanyakumari District. .. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, for the issuance of Writ of Mandamus, with forbearing respondents 3 to 5 from making any new appointments in Mulagumoodu Milk Producers Co-operative Society Y-124 and further directing the first respondent to cancel the irregular appointments of respondents 6 to 10 and to pass orders.

For Petitioner	: M/s. C.T. Perumal
For Respondents	: Mr. K.S. Selvaganesan, AGP, for R1 to R3 Mr. T. Antony Arulraj for R4 and R5 Mr. Pratab Sundharsan for R6 to R10

ORDER

Heard Mr. C. T. Perumal for the petitioner, Mr. Selvaganesan, learned Standing counsel for R1 to R3, Mr. Antony Arunraj for R4 and R5 and Mr. Pratab Sundharshan, learned counsel for private respondents, R6 to R10.

2. The prayer of the petitioner, who is a milk vendor working in the Mulagumoodu Milk Producers Co-operative Society under the control of R4 and R5, is for a mandamus forbearing respondents 3 to 5 from effecting any new appointments in the co-operative society and further directing R1, being the Commissioner, Department of Milk and Dairy Development, to cancel the allegedly irregular appointments of the private respondents.

3. At the outset, the prayer of the respondent is too wide to



be countenanced or granted. There can hardly be a blanket order forbearing the cooperative society from making appointments. If at all the petitioner is of the view that the appointments of R6 to R10 had not been made following proper procedure or for extraneous considerations, then the proper remedy would have been for the petitioner to have challenged the orders of their appointments. However, this has not been done and this court cannot intervene in the appointments made, by way of a mandamus, as sought.

4. The petitioner had, prior to filing of this writ petition, approached this court by way of W.P.(MD).No.9812 of 2015, seeking a mandamus directing respondents 1 and 2 to cancel the irregular appointments made in the co-operative society. To be noted that, that prayer is akin to the prayer raised in the present writ petition.

5. The earlier writ petition came to be disposed on 17.06.2015, wherein, in conclusion, this Hon'ble Court directed the first respondent, that is R1, to consider the representation of the petitioner and pass orders thereupon in accordance with law, after affording opportunity to all parties and conducting proper enquiry .

6. Though the petitioner would state that, that order has not been complied with, the remedy for that cannot be by way of the present writ petition, seeking the same relief as before. On all fronts therefore, I find no justification for entertaining the prayer of the petition and this writ petition is thus dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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Note : 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 Commissioner,
Department of Milk and Dairy Development,
Chennai - 51.



2. The District Collector,
Kanyakumari District, Nagercoil.
3. The Deputy Registrar,
Department of Milk and Dairy, Nagercoil.
4. The Secretary,
Mulagumoodu Milk Producers Co-operative Society Y- 124
Mulagumoodu & Post, Kanuakumari District.
5. The President,
Mulagumoodu Milk Producers Co-operative Society Y-124
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Mulagumoodu & Post, Kanuakumari District.

+1 CC to M/s.C.T.PERUMAL, Advocate (SR-34336[F] dated 12/11/2021)

+1 CC to M/s.SPL GP (SR-34465[F] dated 15/11/2021)

W.P. (MD) No. 6454 of 2018
12.11.2021

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