



W.P.No.682 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 08.08.2022

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.682 of 2022
and
W.M.P.Nos.724 and 725 of 2022

R.Pandiyan

... Petitioner

Vs.

The General Manager,
The Krishnagiri District Coop. Milk Producers Union Ltd.,
Kanagamuthulu Post,
Salem Main Road, Krishnagiri Dt,
Tamilnadu - 635001.

... Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, seeking to issue a Writ of Certiorari, call for the records of the respondent pertains to the impugned order bearing reference Na.Ka.No.6752/Administration-2/2018, dated 22.11.2021 and quash the same as arbitrary and illegal.

For Petitioner : Mr.P.R.Thiruneelakandan

For Respondent : Mr.C.Selvaraj
Additional Government Pleader



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ORDER

This Writ Petition has been filed seeking to issue a Writ of Certiorari, calling for the records of the respondent pertains to the impugned order bearing reference Na.Ka.No.6752/Administration-2/2018, dated 22.11.2021 and quash the same as arbitrary and illegal.

2. According to the petitioner, the respondent without affording an opportunity to the petitioner passed the recovery Proceedings in Na.Ka.No.6752/Administration-2/2018, dated 22.11.2021 as against the petitioner. Challenging the same, the petitioner has filed the instant writ petition before this Court.

3. The learned Standing Counsel appearing for the respondent has submitted that the present writ petition filed against the Co-operative Milk Producers Union Limited is not maintainable in the light of the judgment of the Larger Bench of this Court in ***K.Marappan Vs. Deputy Registrar of Co-operative Society, Namakkal*** reported in ***2006 (4) CTC 689***.



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4. Considering the above said submissions of the parties and in the light of the above said judgment, the writ petition is dismissed as not maintainable. No costs. Consequently, connected miscellaneous petitions are closed.

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Index :Yes/No
Speaking Order :Yes/No
dm

To

The General Manager,
The Krishnagiri District Coop. Milk Producers Union Ltd.,
Kanagamuthulu Post,
Salem Main Road, Krishnagiri Dt,
Tamilnadu - 635001.



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At the instance of the learned counsel for the petitioner, the matter is posted today under the caption, 'for being mentioned'.

2. According to the learned counsel, in similar matters, this Court has granted the following liberty, and due to inadvertence, such relief is not mentioned in the order dated 08.08.2022:

"Liberty is granted to the petitioner to approach either before the revisional authority or any other competent authority as prescribed under the Tamil Nadu Cooperative Societies Act within a period of four weeks from the date of receipt of a copy of this order. Till such time, the respondent society shall not take any coercive steps against the petitioner for recovery of the amount."

3. The learned counsel for the respondent has no objection for incorporating the above liberty in the order dated 08.08.2022.

4. Accordingly, Registry is directed to incorporate the following paragraph as paragraph No.5 in the order dated 08.08.2022 in WP No.682 of 2022 and issue fresh order copy to the parties:



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(tar)

“5. Liberty is granted to the petitioner to approach either before the revisional authority or any other competent authority as prescribed under the Tamil Nadu Cooperative Societies Act within a period of four weeks from the date of receipt of a copy of this order. Till such time, the respondent shall not take any coercive steps against the petitioner for recovery of the amount.”

tar

04.11.2022

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