

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.04.2022

CORAM:

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

W.P.NO.9081 OF 2022

AND

W.M.P.NOS.8880 & 8881 OF 2022

A.Sivaprakash

... Petitioner

.Vs.

1. The Secretary to Government,
Animal Husbandry Dairying and
Fisheries Department,
Fort St. George,
Chennai - 600 009.
2. The Commissioner for Milk
Production and Dairying Development,
Madhavaram Milk Colony,
Chennai - 600 051.
3. The Deputy Registrar (Dairying),
Salem.
4. The President,
SMD 17 Vellerivelli Milk Producers
Co-operative Society,
Vellerivelli Post, Edappadi Taluk,
Salem - 637 101.

... Respondents

PRAYER:-

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the entire records of the 4th respondent relating to the impugned suspension order dated 21.10.2019 made in Na.Ka.1/2019-2020 and connected disposal order dated 20.11.2019, quash the same as null and void and consequently directing the respondents to reinstate the petitioner as Secretary of SMD 17 Vellerivelli Milk Producers Co-operative Society with salary and other attendant benefits from the date of suspension on 21.10.2019.

For Petitioner : Mr.R.Sethupandian
For R1, 3 & 4 : Mrs.S.Anitha
Special Government Pleader
For R2 : Mr.R.U.Dinesh Rajkumar
Additional Government Pleader

O R D E R

By consent of both parties, this Writ Petition is taken up for final disposal at the admission stage itself.

2. This writ petition has been filed for issuance of a Writ of Certiorarified Mandamus, quashing the impugned order of suspension passed by the 4th respondent 21.10.2019 and direct the respondents to reinstate the petitioner as Secretary of SMD 17 Vellerivelli Milk Producers Co-operative Society with salary and other attendant benefits from the date of suspension on 21.10.2019.

3. It is pertinent to note that, in the light of the larger bench judgment of this Court in K.MARAPPAN VS. DEPUTY REGISTRAR OF CO-OPERATIVE SOCIETY, NAMAKKAL reported in 2006 (4) CTC 689, the writ petition filed against the Co-operative Society is not maintainable.

4. Accordingly, this writ petition is dismissed as not maintainable. No costs. Consequently, connected writ miscellaneous petitions are closed. However, liberty is granted to the petitioner to approach the competent authority under Section *153 of the Tamilnadu Cooperative Societies Act.

Sd/-

Assistant Registrar(CS VIII)
(26/04/2022)

*** Amended as per Order of this Court
dated 09/06/2022 and made in
W.P.No.9081 of 2022 and
W.M.P.Nos.8880 & 8881 of 2022**

Sd/-

**Assistant Registrar(CS VIII)
(13/06/2022)**

//True Copy//

Sub Assistant Registrar

mst

To

1. The Secretary,
Animal Husbandry Dairying and
Fisheries Department,
Fort St. George,
Chennai - 600 009.
2. The Commissioner,
Milk Production and Dairying Development,
Madhavaram Milk Colony,
Chennai - 600 051.
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Salem.
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Co-operative Society,
Vellerivelli Post,
Edappadi Taluk,
Salem - 637 101.

*** To be
Substituted
as per Order
already
despatched on
05/05/2022**

*** +1cc to Mr.R.Sethupandian, Advocate, S.R.No.33332**

+1cc to the Government Pleader, S.R.No.25944

W.P.NO.9081 OF 2022

KK(CO)
RLP(26/04/2022)
GSM(CO)
PBS/13/06/2022