



W.P.(MD)No.934 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.10.2023

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.934 of 2021

and

W.M.P.(MD).Nos.792 of 2021, 4129 and 4151 of 2023

Mohan

... Petitioner

Vs.

1.The Principal Secretary,
Department of Co-Operative Society,
Fort St.George,
Chennai -600 009.

2.The Registrar,
Department of Co-Operative Society,
N.V.Natarajan Maligai,
Keelpakam,
Chennai.

3.The Additional Registrar,
(Finance and Banking),
Department of Co-Operative Society,
N.V.Natarajan Maligai,
Keelpakam,
Chennai.



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4. The Joint Registrar,
Office of Joint Registrar of Co-Operative Society,
1, Meignana Street, Palayamkottai,
Tirunelveli-2.
5. The Deputy Registrar,
Office of Deputy Registrar of Co-Operative Society,
Mudukku Vinayagar Kovil Street,
Nearby Old Bus Stand, Tenkasi.
6. The District Collector,
Tenkasi District, Tenkasi.
7. The Revenue Divisional Officer,
Revenue Divisional Office,
Sankarankovil,
Tenkasi District.
8. The Tahsildar,
Thiruvankadam Taluk,
Tenkasi District.
9. The President,
Tn.Spl.123, Mahendravadi Primary
Agricultural Co-Operative Credit Society,
Mahendravadi,
Maruthankinaru Post,
Thiruvankadam Taluk,
Tenkasi District.
10. The Secretary,
Tn.Spl.123, Mahendravadi Primary
Agricultural Co-Operative Credit Society,
Mahendravadi,
Maruthankinaru Post,
Thiruvankadam Taluk,
Tenkasi District.

...Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents 1 to 5 to initiate the enquiry against the 9th and 10th respondents for committing malpractices in the Crop Insurance Scheme of the year 2016-2017 by considering the petitioners representation dated 05.01.2021.

For Petitioner : Mr.S.Mandhiralingeswaran

For R-1 to R-8 : Ms.D.Farjana Ghoushia,
Special Government Pleader

ORDER

This Writ Petition has been filed for the issue of writ of mandamus directing respondent Nos.1 to 5 to initiate enquiry against the ninth and tenth respondents based on the representation given by the petitioner on 05.01.2021.

2. The case of the petitioner is that he is the member of the ninth respondent Society and also one of the Director. The allegation made by the petitioner is that the ninth and tenth respondents were involved in malpractices in the Crop Insurance Scheme for the year 2016-2017 and as a result, they had created bogus beneficiaries and had swindled the amount. In view of the same, the petitioner had given a



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complaint against the ninth and ninth respondents before respondent Nos.1 to 5 to take action against them. Since the same was not considered, the present Writ Petition has been filed before this Court.

3. When the matter came up for hearing on 10.10.2023, the learned Special Government Pleader by relying upon the counter affidavit filed by the fourth respondent submitted that an enquiry was conducted under Section 81 of the Tamil Nadu Co-operative Societies Act, 1983, by appointing an Enquiry Officer and it was found that the ninth and tenth respondents have not involved in any malpractices. When such a stand has been taken by the fourth respondent, the order passed by this Court in W.P.(MD).No.3858 of 2021 dated 30.08.2023 was brought to the notice of this Court. The said order runs thus:

“It is seen from the records as well as the findings of the Joint Registrar dated 07.08.2023, that there are serious allegations against the sixth respondent/Mr.Ganesan, Secretary, TN.Spl.123, Mahendravadi Primary Agricultural Co-operative Credit Society. Since all the allegations made against sixth respondent are proved, accordingly a punishment was



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imposed by the Joint Registrar. Hence, this Court prima facie satisfied that the allegations of the petitioner are to be looked into by the Competent Officer.

2. According to the learned Public Prosecutor, there is a special wing called CCIWCID in the Department of Vigilance and Anti-Corruption, which was entrusted the duty to see the allegation made against the Cooperative Society Employees, including the Secretary of the Society. Therefore, this Court suo-motu impleads the Superintendent of Police, CCIWCID, to this petition.

3. Mr.T.Senthil Kumar, learned Additional Public Prosecutor, takes notice on behalf of the impleading respondent.

4. Registry is directed to carry out the necessary amendment in the cause title and list this case on 15.09.2023.”

4. In view of the above, this Court found that the stand taken in the counter affidavit is running contrary to the proceedings that were initiated and punishment that was imposed by the Joint Registrar against the delinquent officers. In view of the same, this Court directed the



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learned Special Government Pleader to take proper instructions and to report before this Court. Accordingly, the matter is posted for hearing today.

5. When the matter was taken up for hearing today, the learned Special Government Pleader produced the proceedings of the Joint Registrar dated 07.08.2023. On carefully going through the same, it is seen that the allegations made against the tenth respondent was found to have been proved and accordingly, punishment was imposed against the tenth respondent by stoppage of increment for three (3) years with cumulative effect. The copy of the proceedings dated 07.08.2023 was also placed before this Court.

6. The learned Special Government Pleader also brought to the notice of this Court that the tenure of the ninth respondent was already over and therefore, there is no question of initiating any disciplinary proceedings against the ninth respondent. The learned Special Government Pleader further submitted that pursuant to the orders passed by this Court in W.P.(MD).No.3858 of 2021, dated 30.08.2023, steps have



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also been taken to comply with the said order.

7. In the light of the above development, it is seen that the complaint given by the petitioner has been acted upon and sufficient action has also been taken.

8. Recording the same, the Writ Petition stands closed. No costs. Consequently, the connected miscellaneous petitions are closed.

17.10.2023

NCC:yes/no

Index:yes/no

Internet:yes/no

tsg

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N.ANAND VENKATESH, J

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