



WP(MD)No.1834 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **04.10.2023**

CORAM

THE HONOURABLE **MR.JUSTICE N.ANAND VENKATESH**

W.P.(MD)No.1834 of 2020

and

W.M.P.(MD)No.1548 of 2020

S.P.Vellaichamy

... Petitioner

/Vs./

- 1.The State Rep. By Secretary to Government of Tamilnadu,
Tamilnadu Co Operative and Consumer Protection Department,
Secretariat, St.George Fort, Chennai-009.
- 2.The Registrar of Co-operative Societies,
No.170 EVR Periyar High Road,
Kilapuk, Chennai-10.
- 3.The Registrar of Co-operative Societies (Housing),
O/o.Tamilnadu Co-operative Societies (Housing),
Joint Complex, 48, Ridhardan Salai,
Veppari, Chennai-007.
- 4.The Joint Registrar (Housing),
Enquiry Committee,
O/o.The Tamilnadu Co-operative Societies (Housing),
Joint Complex, 48, Ridhardan Salai,
Veppari, Chennai-007.
- 5.The Director,
Vigilance and Anti Corruption Bureau,
293, M.K.N.Road, Alandhur, Chennai-016.



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6.The Deputy Registrar (Housing),
Co-operative Societies (Housing),
Virudhunagar Region, No.3, T.T. Road,
Main Nagar, Virudhunagar-626 002,
Virudhunagar District.

7.A-1321 Karaikudi Co-operative Housing Building Society,
Rep by its Secretary, No.28, Church 6th Street,
T.T.Nagar, Karaikkudi,
Sivagangai District.

8.R.M.S.Vinayagar,
The Deputy Registrar (Housing), Co Operative Societies (Housing),
Virudhunagar Region, No.3, T.T.Road,
Main Nagar, Virudhunagar-626 002, Virudhunagar District.

9.P.Muthuramalingam,
Secretary, A-1321 Karaikudi Co Operative House Building Society,
No.28, Church 6th Street, TT Nagar,
Karaikkudi, Sivagangai District.

... Respondents

PRAYER:- Petition - filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 5 to take appropriate legal proceedings including the Departmental proceedings and the criminal action against the 8th and 9th respondent for their illegal act on the basis of the petitioner's representation dated 23.01.2020.

For Petitioner : Mr.M.Vijayarathinam

For Respondents : Mr.A.K.Manikkam (R1 to R4 & R6)

Special Government Pleader

Mr.R.Sivakumar (R5)

Government Advocate

Mr.P.R.Prithiviraj (R9)



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ORDER

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This petition has been filed for issuance of writ of mandamus, directing the respondents 1 to 5, to act upon the representation made by the petitioner on 23.01.2020 and to initiate departmental action and criminal action against the 8th and 9th respondents on the allegation that they have made illegal allotment of plots to non-members.

2. Heard Mr.M.Vijayarathinam, learned counsel appearing for the petitioner, Mr.A.K.Manikkam, learned Special Government Pleader appearing for the respondents 1 to 4 and 6, Mr.R.Sivakumar, learned Government Advocate appearing for the fifth respondent and Mr.P.R.Prithiviraj, learned counsel appearing for the ninth respondent.

3. When the matter was taken up for hearing, the learned Special Government Pleader circulated a copy of G.O.(D)No.179, Co-operation, Food and Consumer Protection (CD2) Department, dated 01.12.2021. A copy of the G.O.(D)No.179, Co-operation, Food and Consumer Protection (CD2) Department, dated 01.12.2021 has also been furnished to the learned counsel for the petitioner.



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4. On going through the aforesaid GO, it is seen that appropriate authority has decided to drop further action against the 8th and 9th respondents on the ground that allegations made against them have not been substantiated.

5. Insofar as the criminal action is concerned, the learned Government Advocate appearing for the 5th respondent circulated a copy of the preliminary factual report in Petition No.814/2020/COOP/VN, dated 03.02.2020 submitted by the Deputy Superintendent of Police, Vigilance and Anti Corruption, Sivagangai. The learned Government Advocate on instructions submitted that allegations have not been substantiated and hence, no FIR was registered to proceed further with the investigation.

6. In light of the above developments, no further orders can be passed in this writ petition and further, if the petitioner is aggrieved by the decision taken by the authorities not to initiate departmental action and criminal action against the 8th and 9th respondents, it is left open to the petitioner to independently agitate his rights in the manner known to law. Insofar as dropping of criminal action is concerned, it is always left open to file an appropriate application under Section 156(3) Cr.P.C., before concerned jurisdictional Magistrate to work out his remedy.



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7. Accordingly, the writ petition is disposed in the above terms. No costs. Consequently, connected Miscellaneous Petition is closed.

04.10.2023

Internet :Yes/No
Index :Yes/No
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N.ANAND VENKATESH, J.

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Order made in
W.P.(MD)No.1834 of 2020

Dated:
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