



W.P. (MD).No.14554 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 29.11.2023

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD).No.14554 of 2021

and W.M.P(MD)Nos.16175, 11491 and 11492 of 2021

M.Marbin Nivil

... Petitioner

Vs

1. The Joint Registrar of Co-Operative Societies,
Kanyakumari Region,
Nagercoil, Kanyakumari District.
2. The Managing Director,
The Kalkulam Vilvancode Taluk
Agricultural Producers Co-Op Marketing Society Ltd.,
No.Y-285, Marthandanam 629 165,
Thuckalay 629 175, Kanyakumari District.
3. The Deputy Registrar of Co-Operative Societies,
Tuckalay, Kanyakumari District.
4. The Kalkulam Vilvancode Taluk
Agricultural Producers Co-Op Marketing Society Ltd.,
No.Y-285, Marthandanam 629 165,
Thuckalay 629 175, Kanyakumari District.
Rep. by its President.
5. Nanjil Dominic



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6. Guru Transport
Rep. by its Proprietor Mr.Rajan.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ Certiorarified Mandamus calling for records relating to the impugned Contract Appointment issued by the 4th respondent by its proceedings, dated 26.07.21 and quash the same as illegal and direct the 4th respondent to issue contract appointment order in petitioner's favour and consequently direct the 1st respondent to initiate enquiry under Sections 81 or 82 of the Tamil Nadu Co-operative Societies Act, 1983, against the erring officials by considering his representation, dated 25.07.21 within the period that may be stipulated by this Court.

For Petitioner : Mr. A.E.Ilango
For Respondents : Mr.K.S.Selvaganesan(R1,R3)
Additional Government Pleader
Mr.P.Subbaraj (R2,R5)
Mr.E.Mareeskumar (R6)
No appearance (R4)

ORDER

This writ petition has been filed challenging the impugned contract, thereby, the fourth respondent was appointed through proceedings dated 26.07.2021 and for a consequential direction to the



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first respondent to initiate enquiry under 81 or 82 of the Tamil Nadu Co-operative Societies Act, 1983, by considering the representation, dated 25.07.2021.

2.Heard the learned counsel appearing for the petitioner, the learned Additional Government Pleader appearing for the respondents 1 and 3 and the learned counsels appearing for the respondents 2, 5 and 6.

3.Insofar as the first limb of the relief sought for by the petitioner, the same has become infructuous, since the period was from 01.08.2021 to 31.07.2023 and this period is already over.

4.The second limb of the relief sought for is on the allegation that the fifth respondent had indulged in various illegal activities and inspite of repeated complaints, he had awarded the contract in favour of the sixth respondent, thereby, causing loss to the Society.

5.This Court has carefully gone through the allegations made in the affidavit and also the representation made by the petitioner in this



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regard along with the materials placed before this Court. This Court is convinced that enquiry is required in this case in order to find out if any loss was caused to the Society by virtue of awarding contract in favour of the sixth respondent.

6.In view of the same, there shall be a direction to the third respondent to deal with the representation, dated 25.07.2021 in accordance with law and order for an enquiry in order to ascertain the correct facts and see if the society has incurred any loss. This process shall be completed within a period of three months from the date of receipt of copy of this order. The petitioner is directed to make a fresh representation along with the relevant records and copy of the order.

7.Accordingly, this writ petition stands disposed of in the above terms. No costs. Consequently, connected miscellaneous petitions are closed.

29.11.2023

NCC : Yes/No
Internet : Yes/No
Index : Yes/No
PNM

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To

1. The Joint Registrar of Co-Operative Societies,
Kanyakumari Region,
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2. The Deputy Registrar of Co-Operative Societies,
Tuckalay, Kanyakumari District.



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N.ANAND VENKATESH, J.

PNM

**ORDER IN
W.P. (MD).No.14554 of 2021
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