



CRP(MD)Nos.2693 to 2697 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.11.2023

CORAM

THE HONOURABLE **MR.JUSTICE P.B. BALAJI**

C.R.P.(MD)Nos.2693 to 2697 of 2018

and

C.M.P.(MD)Nos.11810 to 11814 of 2018

The General Manager,
Tamilnadu Cooperative Milk Producers Union Ltd.,
Kazhanivasal,
Karaikudi,
Sivagangai District.

...Petitioner in all petitions

/Vs./

1.A.Santhanakrishnan
1.Marimuthu
1.C.T.Esadiyan
1.S.Hariram
1.K.M.Murugesan

...R1 in CRP(MD)No.2693/2018
...R1 in CRP(MD)No.2694/2018
...R1 in CRP(MD)No.2695/2018
...R1 in CRP(MD)No.2696/2018
...R1 in CRP(MD)No.2697/2018

2.The Deputy Registrar,
(Milk Production),
Manamadurai,
Manamadurai Taluk,
Sivagangai District.

...R2 in all petitions

3.The Commissioner,
Department of Milk Production and Dairy Development,
State of Tamil Nadu, Chennai-51.

...R3 in all petitions



CRP(MD)Nos.2693 to 2697 of 2018

COMMON PRAYER:- Petitions - filed under Article 227 of the Constitution of India, to set aside the orders passed in CMA(CS)Nos.2, 3, 4, 5, 6 of 2015 dated 02.07.2018 on the file of the Special Tribunal for Cooperative Cases (Principal District Court), Sivagangai and allow the Civil Revision Petitions.

For Petitioner : Mr.J.Devasenar (in all petitions)

For Respondents : Mr.S.Srinivasaragavan (R1)
(in all petitions)

No appearance (R2) (in all petitions)

COMMON ORDER

These civil revision petitions have been filed challenging the orders passed in CMA(CS)Nos.2, 3, 4, 5, 6 of 2015 dated 02.07.2018 on the file of the Special Tribunal for Cooperative Cases (Principal District Court), Sivagangai.

2. The learned counsel appearing for the first respondent submits that as early as on 11.07.2022, the second respondent in Na.Ka.No.1101/2015/Voo, recorded the fact that the first respondent in all these revision petitions have already paid the principal amount barring the case of C.T.Esadiyan, where a sum of Rs.4,000/- had remained unpaid towards principal and the case of S.Hariram, where about a sum of Rs.8,000/- is due and payable towards principal. As per the proceedings of the second respondent dated 11.07.2022, he has



recommended the Commissioner, Department of Milk Production and Dairy Development to waive the interest payable by all these respondents in the present civil revision petitions.

3. The learned counsel for the petitioner further submits that the first respondent cannot take advantage of such recommendation forwarded by the second respondent to the Commissioner, as it is for the Commissioner to decide whether any waiver of interest is to be accorded to the respondents and the recommendation of the second respondent cannot have any force of law.

4. Heard Mr.J.Devasenan, learned counsel for the petitioner and Mr.S.Srinivasaragavan, learned counsel for the first respondent and perused the materials placed before this Court.

5. Having gone through the records, I feel that this is the fit case, where the Commissioner, Department of Milk Production and Dairy Development is made a party to these proceedings in order give a quietus to the pending litigation. Therefore, the Commissioner, Department of Milk Production and Dairy Development, State of Tamil Nadu, Chennai, 51 is suo motu impleaded as the third respondent in all these civil revision petitions.



6. Considering the fact that it is an admitted position that the principal amount has been repaid in all the cases except for minor amounts due in respect of two of the first respondents and also in the light of the recommendation made by the second respondent in Na.Ka.No.1101/2015/Voo dated 11.07.2022, to waive the penal interest and also in the light of the recommendation dated 25.04.2018 in Na.Ka.No.844/AVI/2017, where the Deputy Manager, Sivagangai District Cooperative Milk Producers Union, Karaikudi, has written a letter to the learned Government Pleader, Sivagangai, stating that the first respondent in all these revisions have repaid the entire amount and no further amounts are due, which was also recorded while passing the final orders, the third respondent shall take a final decision as to whether the penal interest can be waived in the case of the first respondent in all these revisions, as a special case.

7. It is made clear that this order shall not be cited as precedent in future cases against the Tamilnadu Cooperative Milk Producers Union Limited, which is already said to be suffering financial losses. In view of the above, the newly impleaded third respondent, ie., the Commissioner, Department of Milk Production and Dairy Development, State of Tamil Nadu, Chennai-51 is directed to pass final orders on the recommendation made by the second respondent in Na.Ka.No.1101/2015/Voo, dated 11.07.2022, recommending



CRP(MD)Nos.2693 to 2697 of 2018

waiver of penal interest, within a period of four weeks from the date of receipt of a copy of this order.

8. These civil revision petitions are disposed with the above observations. No costs. Consequently, connected miscellaneous petitions are closed.

16.11.2023

NCC : Yes/No
Internet :Yes/No
Index :Yes/No
sm



WEB COPY



CRP(MD)Nos.2693 to 2697 of 2018

P.B. BALAJI, J.

sm

TO:-

- 1.The Special Tribunal for Cooperative Cases
(Principal District Court), Sivagangai.
- 2.The Deputy Registrar,
(Milk Production),
Manamadurai,
Manamadurai Taluk,
Sivagangai District.
- 3.The Commissioner,
Department of Milk Production and Dairy Development,
State of Tamil Nadu, Chennai-51.
- 4.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.

Common Order made in
C.R.P.(MD)Nos.2693 to 2697 of 2018

Dated:
16.11.2023