



W.P(MD)No.16947 of 2015

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.07.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.16947 of 2015

and

M.P(MD)Nos.1 & 2 of 2015

M.D.Spl – 119 Sivarakottai Primary
Agricultural Do-operative Credit Society,
Represented by its Vice President,
T.Mahalakshmi,
W/o.Thiruppathi Venkatachalapathi,
Sivarakottai,
Tirumangalam Taluk,
Madurai District.

... Petitioner

Vs

- 1.The District Collector,
Madurai District,
Madurai.
- 2.The Regional Joint Registrar,
Madurai Region Co-operative Society,
Chinnachokkikulam,
Madurai.
- 3.The Deputy Registrar,
Usilampatti Circle at
Tirumangalam,
Madurai District.



W.P(MD)No.16947 of 2015

4.1462 – Tirumangalam Agricultural Produces
and Producers Co-operative Marketing Society Limited,
Represented by its President,
Tirumangalam,
Madurai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the records pertaining to the Impugned order passed by the first respondent in his Proceedings Na.Ka.No. 29849/2015/Ku.Po1 dated 10.08.2015 and consequential order passed by the respondents 2 and 3 in their proceedings Na.Ka.No.1112/2015 PDS 1 dated 02.09.2015 and Na.Ka.No.3390/2012 Tho Va dated 10.09.2015 respectively and quash the same.

For Petitioner : Mr.K.Mahendran

For Respondents : Mrs.K.Christy Theboral
Additional Government Pleader

ORDER

Heard the learned counsel on either side.

2. The petitioner is a registered Co-operative Society. It was running as many as six fair price shops. Unfortunately, the financial condition of the petitioner Society became so bad. It was not able to settle the supply bills. As on date, not even a single staff is working in the petitioner Society. The tenure



W.P(MD)No.16947 of 2015

of the Vice President / T.Maha Lakshmi through whom the writ petition was filed has long since expired.

3. The learned Additional Government Pleader would submit that as on date, the petitioner Society owes to pay a sum of Rs.4,91,846/- towards dues. The fourth respondent has been running six fair price shops for the last eight years. When the writ petition was admitted, an interim order of *status quo* was granted on 18.09.2015. The said interim order was subsequently extended. I posed one specific question to Thiru.S.Murugesan, Secretary of the fourth respondent Society as to who has been running fair price shops in the meanwhile. He categorically states that for the last eight years, the petitioner society has not been running the fair price shops and that the fourth respondent society has been running the shops.

4. I do not know as to why no contempt petition was filed by the writ petitioner. The first respondent has passed impugned order dated 10.08.2015 only by taking note of the financial condition of the writ petitioner. It is true that the impugned order has been passed without putting the petitioner on notice. However, in view of the fact that for the last eight years, the fourth respondent Society has been running fair price shops in question, I am not inclined to interfere. However, liberty is given to the writ petitioner to file a



W.P(MD)No.16947 of 2015

proper representation before the first respondent for revisiting the issue. If such a representation is filed, the first respondent shall call for reports as to the current condition of the petitioner society. An appropriate decision on merits and in accordance with law will be taken by the first respondent within a period of eight weeks after a receipt of such representation.

5. With this liberty to the petitioner, this writ petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

28.07.2023

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
MGA

To

- 1.The District Collector,
Madurai District,
Madurai.
- 2.The Regional Joint Registrar,
Madurai Region Co-operative Society,
Chinnachokkikulam,
Madurai.
- 3.The Deputy Registrar,
Usilampatti Circle at
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W.P(MD)No.16947 of 2015

4.The President,
1462 – Tirumangalam Agricultural Produces
and Producers Co-operative Marketing Society Limited,
Tirumangalam,
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W.P(MD)No.16947 of 2015

G.R.SWAMINATHAN, J.

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