



W.P(MD)No.5321 of 2016

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.5321 of 2016 and
WMP(MD) No.361 of 2017

M.Uthaya Rani

...Petitioner

Vs.

- 1.The Registrar of Co-operative Societies,
Chennai.
- 2.The Joint Registrar of Co-operative Societies,
Lady Doak College Salai,
Madurai -2.
- 3.The Deputy Registrar of Co-operative Societies,
Usilampatty at Thirumangalam,
Thirumangalam Taluk & Post,
Madurai District.
- 4.The President,
No.A-1596, Peraiyur Primary Agriculture,
Co-operative Credit Society,
Peraiyur Post & Taluk,
Madurai District.



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5.The Vice-President,
No.A-1596, Peraiyur Primary Agriculture,
Co-operative Credit Society,
Peraiyur Post & Taluk,
Madurai District.

6.A.Sikandar Batcha
7.C.Periya Muniyandi
8.K.Ganesan
9.R.Muniyandi
10.G.Mahadevan
11.M.Rama Lakshmi
12.P.Rajaguru
13.M.Rathinavel Pandiyan
14.M.Pandiyan

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 1 to 3 to take action against the respondents 4 to 9 for illegal allotment of shops of the fourth respondent's Society situated in S.F.No.92/5B of Peraiyur Village, Madurai District.

For Petitioner	:Mr.P.Ganapathi Subramanian
For R1 to R3	:Mr.P.T.Thiraviam Government Advocate
For R4	:Mr.M.E.Ilango
For R10 to R14	:No appearance



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ORDER

This writ petition is today listed under the caption for being mentioned at the instance of the learned Government Advocate.

2. When the writ petition was taken up for hearing on 16.06.2023, based on the representation made on behalf of the learned Government Advocate appearing for the respondents 1 to 3, this court passed the following order:

“2. Today (16.06.2023), when this writ petition is taken up for hearing, the learned Government Advocate appearing for the respondents 1 to 3 submits that an enquiry under Section 87 of the Tamil Nadu Co-operative Societies Act, 1983 was conducted. Based on the enquiry report, further surcharge proceedings was initiated and surcharge order has also been passed as against the erring officials. Copy of the order in Na.Ka.No.497/2018/SP, dated 10.05.2019 has also been produced before this Court to that effect. The learned Government Advocate further submits that the surcharge orders are also



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challenged by the respective officials by way of a CMA before the Co-operative Tribunal.

3.Recording the submission made by the learned Government Advocate, this writ petition is closed as no further order is required. No costs. Consequently, connected Miscellaneous Petition is closed.”



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3.Today the learned Government Advocate submits that on the earlier occasion, instructions have not been provided to him properly and in fact, as against the respondents 4 to 9 an enquiry under Section 82 of the Tamil Nadu Co-operative Societies Act, 1983 was conducted, appropriate actions were taken, the respondents 4 to 9 have admitted their guilt, and paid the loss caused to the society ie., Rs.9,595/- and therefore, prays for necessary modification in the earlier order dated 16.06.2023.

4.In view of the above submission of the learned Government Advocate, the earlier order dated 16.06.2023 is recalled and the following order is passed.

“This writ petition is filed for a Mandamus directing the respondents 1 to 3 to take action against the respondents 4 to 9 for illegal allotment of shops of the fourth respondent's Society situated in S.F.No.92/5B of Peraiyur Village, Madurai District.



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2.The learned Government Advocate appearing for the official respondents submits that as against the respondents 4 to 9 an enquiry under Section 82 of the Tamil Nadu Co-operative Societies Act, 1983 was conducted, appropriate actions were taken, the respondents 4 to 9 have admitted their guilt, and paid the loss caused to the society ie., Rs.9,595/-.

3.Recording the submission made by the learned Government Advocate, this writ petition is closed as no further order is required. No costs. Consequently, connected Miscellaneous Petition is closed.”

4.Registry shall issue the order copy accordingly.

27.06.2023

NCC : Yes / No.
Index : Yes / No.
Internet : Yes / No.



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B.PUGALENDHI, J.

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