



W.P.No.2580 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.02.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.2580 of 2024
and W.M.P.No.2825 of 2024

Deivayanai

... Petitioner

Vs.

1.The Commissioner,
Tamil Nadu Cooperative Milk Producers Federation,
Madhavaram, Chennai 600 051.

2.The Deputy Registrar (Dairy Development),
District Collector Compound,
Dharmapuri 636 705.

... Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records pertaining to the orders in Tha.Thi.No.01/2023-2024, dated 06.10.2023 on the file of the second respondent and quash the same.

For Petitioner : Mr.G.Anbil Magesh

For Respondents : Mr.A.M.Ayyadurai, GA for R1

ORDER



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This Writ Petition has been filed for the issuance of a Writ of Certiorari, to call for the records pertaining to the orders in Tha.Thi.No.01/2023-2024, dated 06.10.2023 on the file of the second respondent and quash the same.

2. Heard Mr.G.Anbil Magesh, learned counsel for the petitioner and Mr.A.M.Ayyadurai, learned Government Advocate who takes notice for the first respondent.

3. The petitioner is the erstwhile President in Tha.Pi.Di.P.Gollahalli Women Milk Producers Co-operative Society. A surcharge proceedings have been initiated against the petitioner and the Ex-Secretary on certain allegations and the award has also been passed on 06.10.2023 in Tha.Thi.No.01/2023-2024.

4. The learned counsel for the petitioner submitted that the petitioner has not involved in any misappropriation causing damage or monetary loss to the Society. The second respondent has not considered the explanation submitted by the petitioner before passing the impugned



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order by colluding with the former District Secretary of the Society and that would only show the political intention behind the impugned order.

The essential provisions under Sections 76 (1)(a) and 76(4) of the Tamil Nadu Co-operative Societies Act have not been invoked. The second respondent being the complainant and the inspecting authority, could not have passed the impugned order. The Secretary has also filed a Writ Petition challenging the award in W.P.No.14712 of 2023 and the same is pending. Since the award has been passed without conducting proper enquiry, the petitioner is before this Court.

5. The learned Government Advocate for the first respondent submitted that the rightful remedy open to the petitioner is by way of preferring an appeal and not by way of filing this Writ Petition.

6. Even according to the submission of the petitioner, he has given his explanation to the second respondent. But his grievance is that his explanation was not considered by the second respondent. Since the award has been passed after conducting 81 enquiries and after giving due notice, the petitioner cannot strictly say that the proceedings have been



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initiated without following the principles natural justice. The petitioner has filed this Writ Petition without invoking the appellate or revisional remedy available at the statute. The petitioner ought to have invoked the same. Since the petitioner has filed this Writ Petition in a pre-matured manner, he is at liberty to file an appeal challenging the impugned award before the appropriate authority for availing his remedy.

7. With the above observations, this Writ Petition is disposed. No costs. Consequently, connected miscellaneous petition is closed.

06.02.2024

Index : Yes /No
Internet : Yes/No
Speaking / Non-speaking
Neutral Citation : Yes / No
gsk



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WEB COPY

To

- 1.The Commissioner,
Tamil Nadu Cooperative Milk Producers Federation,
Madhavaram, Chennai 600 051.
- 2.The Deputy Registrar (Dairy Development),
District Collector Compound,
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R.N.MANJULA, J.

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