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W.P. No. 2239 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.03.2024

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THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 2239 of 2021

M.Thanigaivelan

... Petitioner

-VS-

1. The Additional Milk Commissioner
Milk Production and Diary Development
Madavaram, Chennai - 600051.
2. The Deputy Registrar (Dairying)
Vellore Regiona at Poigai Samathuvapuram
Vellore – 632114.
3. The Cooperative Sub Registrar /Superintendent
O/o. Deputy Registrar (Dairying)
Vellore Region at Poaigai Samathuvapuram
Vellore – 632114.
4. T.Thanikachalam
5. The Registrar of Co-operative Societies
Kilpauk, Chennai – 600010.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the First Respondent to conduct elaborate enquiry in the affairs of the M.D.38, Senthamangalam Milk Producers Cooperative Society Ltd., Senthamangalam Village & Post - 631 051, Arakkonam Taluk, Ranipet District on the basis of the Petitioner's complaint dated 21.09.2020 and 25.09.2020 by appointing not below rank of



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the Additional Registrar of Co-operative Societies and take further necessary action against the Second and Fourth Respondents.

For Petitioner : Mr. C.Prakasam

For Respondents : Ms. Geetha Thamarai Selvan,
Special Government Pleader
(RR1 to 3 & 5)

R4-No appearance

ORDER

Heard Mr. C.Prakasam, Learned Counsel for the Petitioner and Ms. Geetha Thamaraiselvan, Learned Special Government Pleader appearing for the First to Third and Fifth Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. The Petitioner, who was the former President of the of the MD-38, Senthamangalam Milk Producers Co-operative Society, Senthamangalam Village, Arakkonam Taluk, Ranipet District, has made a representation dated 21.09.2020 and 25.09.2020 to conduct an elaborate enquiry into the affairs of that State Co-operative Society by appointing an officer not below the rank of Additional Registrar of Co-operative Societies and to take necessary action against the Second to Fourth Respondents, but as it did not evoke any response, it has necessitated the filing of this Writ Petition.



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3. The First to Third Respondents have filed Counter-Affidavit dated

11.03.2024 in which it has been explained as follows:-

“4. I state that the Petitioner has sent a letter pointing some irregularities happened in the said MD 38 Senthamangalam Milk Producer's Co-operative society. I the Second Respondent, the Deputy Registrar (Dairying) Vellore have scrutinized the petition of the Petitioner and found that the irregularities mentioned in the complaint is related to the financial year 2019-2020. Simultaneously I examined the petition of the Petitioner and issued order for conducting an inspection under Section 82 of 1983 Tamilnadu Co-operative Societies Act, where in its ordered to enquiry all the activities of the society happened so far during 2019-2020 financial year. Accordingly the inspection officer conducted an inspection and submitted her inspection report on 18.01.2021 in the 2nd respondent office. i.e., the Deputy Registrar (Dairying) Vellore office.

5. I state that, the inspection report was scrutinized by the 2nd respondent. i.e., the Deputy Registrar(Dairying) Vellore office and according to the recommendation of the inspection



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officer in her inspection report, has issued a letter in R.C. No. 114/E/2021, dated 12.02.2021 to the President of the MD 38 Senthamangalam Milk Producer's Co-operative society insisting to take disciplinary action upon the 4th respondent and to send the action taken report with the resolution of the Board of Directions of said MD 38 Senthamangalam Milk Producer's Co-operative society. Accordingly disciplinary action was taken against the 4th respondent in continuation of the disciplinary proceedings has settled the misappropriated amount mentioned in the inspection report. The Board of Directors at that time has convened a meeting on 30.06.2021 and discussed the disciplinary subjection in details and conclusion was taken by the Board of Directors to reinstate the 4th respondent. Since he has remitted the entire misappropriated amount to the said society. Accordingly he was reinstated on 01.07.2021. Subsequently based on the Inspection Report surcharge action on the remaining amount to be settled by the 4th respondent was initiated and issued surcharge order in Tha.Thee.No.02/2021-22 dated 01.10.2021 with a direction to the 4th respondent to remit a sum of Rs.



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7,38,588/- to that society accordingly Rs. 6,37,637.07 as principal and Rs. 32,808.32 as interest collected from the 4th respondent.

6. I state that this respondent had sent Criminal Complaint to the Commercial Crime Intelligence Wing (CCIW), Chennai in R.C.No. 107-E-2021 dated 03.01.2021, 09.02.2022, 13.02.2023 and 23.09.2023 and the said Economics Offence Wing, Vellore had registered FIR in Cr.No.4/2023, under Section 120B, 467, 468, 471, 477A of IPC against the writ petitioner, 4th respondent, K.Kumar(Vice-President) and G.Ramachandran(Board of Director).”

4. It has also been brought to notice that the final order in Na. Ka. No. 113/Oo/2021 dated 11.05.2021 has been passed in surcharge proceedings taken under Section 87 of the Tamil Nadu Co-operative Societies Act, 1983 and its copy has been placed on record. In view of the same, nothing remains for further consideration in the Writ Petition, but if the Petitioner still has any grievance to be redressed in the matter, he is not precluded from working out his rights before the proper forum in the manner recognized by law.



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In fine, the Writ Petition is disposed. No costs.

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Index: Yes/No

NCC: Yes/No

Note: Issue order copy by 05.04.2024

Maya

To

1. The Additional Milk Commissioner
Milk Production and Diary Development
Madavaram, Chennai - 600051.
2. The Management of the MD-38
Sendamangalam Milk Producers Co-operative Society
Sendamangalam, Vellore.



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P.D. AUDIKESAVALU, J.

Maya

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