



W.P.No. 7366 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.07.2024

CORAM:

THE HONOURABLE **MRS. JUSTICE V.BHAVANI SUBBAROYAN**

W.P.No.7366 of 2023
and W.M.P.No.7445 of 2023

D. Jayasankar

.. Petitioner

Versus

1. The Secretary to Government
Food and Co-operation Department,
Fort St.George, Chennai – 600 009.
2. The Registrar of Co-operative Societies,
Kilpauk, Chennai – 600 010.
3. The Joint Registrar of Co-operative Societies,
Thiruvannamalai Region, Thiruvannamalai,
Thiruvannamalai District.
4. The Deputy Registrar of Co-operative Societies,
Thiruvannamalai Circle, Thiruvannamalai,
Thiruvannamalai District.
5. The President,
H.H.572, Thachampattu Primary
Agricultural Co-operative Credit Society Ltd.,
Thachampattu Village & Post – 606 811,
Thiruvannamalai Taluk & District.

...Respondents



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Prayer: This petition is filed under article 226 of the Constitution of India to issue a writ of Mandamus directing the Respondents 1 to 3 to initiate proceedings U/s 88 of Tamil Nadu Co-operative Societies Act to supersede the 5th respondent society President and its Board of Directors for committing so many irregularities by taking note of the 4th respondent proceedings in Na.Ka.No.3468 of 2022 Sa.Pa, dated 16.08.2022 and pass orders.

For Petitioner : Mr.C. Prakasam

For Respondents 1 to 4 : Mr.C. Ravi Kumar
Special Government Pleader

For Respondent-5 : Mr.J.N.C. Kaushik
Additional Government Pleader

ORDER

This petition is filed to seeking to issue a writ of Mandamus directing the Respondents 1 to 3 to initiate proceedings U/s 88 of Tamil Nadu Co-operative Societies Act to supersede the 5th respondent society President and its Board of Directors for committing so many irregularities



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by taking note of the 4th respondent proceedings in Na.Ka.No.3468 of 2022 Sa.Pa, dated 16.08.2022

2. The case of the petitioner is that the petitioner is a Secretary incharge of the 5th respondent organisation and he found that there are several irregularities committed by the president and the Board of Directors with regard to issuance of loans for ineligible members. Further loans were sanctioned to very same survey numbers and disbursed to the same family members several times Hence, the petitioner gave a representation before the 4th respondent to take appropriate action against the 5th respondent and the Board of Directors. Pursuant to which the 4th respondent sent a communication to the the petitioner in Na.Ka.3468 of 2022 Sa.Pa dated 16.08.2022, wherein the 4th respondent ordered enquiry under Section 81 of the Tamil Nadu Co-operative Societies Act and appointed an Enquiry Officer. Thereafter, the Enquiry Officer submitted his report stating that the District Central Central Co-operative Bank and the society should take disciplinary proceedings against the employees of the said bank and society and the proposal for disqualification of the Board of Directors should be sent to the 3rd



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respondent. Pursuant to which the 4th respondent sent a proposal to the 3rd respondent. Thereafter, the petitioner sent a representation to the 3rd respondent on 17.10.2022 to take criminal action against the President and other members. Like wise several correspondence were made. However, there is no action taken to disqualify the Board of directors. Finally on 27.01.2023 the petitioner made a representation to the first and second respondents regarding the issue. However, no action has been taken. Hence, the petitioner has come up with this petition seeking a direction directing the Respondents 1 to 3 to initiate proceedings U/s 88 of Tamil Nadu Co-operative Societies Act to supersede the 5th respondent society President and its Board of Directors for committing so many irregularities by taking note of the 4th respondent proceedings in Na.Ka.No.3468 of 2022 Sa.Pa, dated 16.08.2022.

3. The learned counsel for the petitioner submitted that the 5th respondent and its Board of Directors committed so many irregularities, inspite of the same no action has been taken by the officials concerned. He further submitted that the Board of Directors who have committed



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various irregularities should be disqualified. Hence, prays to allow this petition.

4. The learned Special Government Pleader produced a letter of the third respondent in Na.Ka.No.2120 of 2023 dated 03.08.2023 wherein it has been stated that under 36(1) of the Tamil Nadu Co-operative Societies Act and as per the order passed in Na.Ka.No.6006/2022 dated 04.07.2023, the members and the President of the Society are suspended. Hence, the prayer sought for the petitioner has been granted.

5. Heard both sides and perused the materials available on record.

6. In view of the above facts and circumstances, it is made clear that the representation of the petitioner has been considered by the respondents and action has been taken against the erred officials and they have been suspended. Hence, nothing survives for further adjudication in this petition and this petition deserves to be dismissed. Accordingly this petition is dismissed. No order as to costs. Consequently, the connected miscellaneous petition is closed. **However, the misappropriated**



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amount has not been recovered from the erred officials. Hence, this Court directs the authorities concerned to take action to recover the misappropriated amount from the erred officials as expeditiously as possible.

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Speaking order : Yes/No

Neutral citation : Yes/No

Index : Yes/No

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V.BHAVANI SUBBAROYAN, J.

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