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W.P.No.29932 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.11.2024

CORAM :

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

**Writ Petition No.29932 of 2024
and WMP Nos.32638 & 32640 of 2024**

Chinnasamy

....

Petitioner

-Vs-

1.The Deputy Registrar
Mayiladuthurai Co-operative Society
Mayiladuthurai Circle
Mayiladuthurai District.

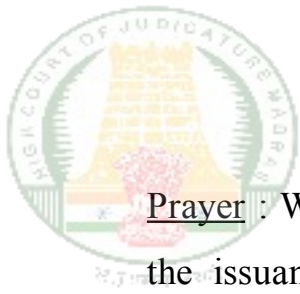
2.The Deputy Registrar
Perambalur Co-operative Societies
Perambalur Region
Perambalur District.

3.The Manager
Sirkazhi Agricultural Producers
Co-Operative Marketing Society
Sirkazhi
Cuddalore District.

4.The Sub Registrar/Field Officer
Co-operative Societies
Alathur Region.

5.Thiru R.Gopal

.. Respondents



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Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus calling for the records pertaining to the proceedings of the 1st respondent made in Tha.Va.No.22/2024-25 Sa.Pa, dated 12.08.2024 and quash the same and direct the respondents to revoke the attachment order of the 2nd respondent made in E.P.No.2/2024-25 dated 18.7.2024.

For Petitioner : Mrs.B.Sivagamasundari

For Respondents : Mr.V.Manoharan
Additional Government Pleader
for R1, R2 & R4

ORDER

This writ petition has been filed in the nature of Certiorarified Mandamus seeking records of the 1st respondent, Deputy Registrar, Mayiladuthurai Co-operative Society at Mayiladuthurai District in Tha.Va.No.22/2024-25 Sa.Pa, dated 12.08.2024 and quash the same and direct the respondents to revoke the attachment order of the 2nd respondent, the Deputy Registrar, Perambalur Co-operative Society, Perambalur District in EP.No.2/2024/25 dated 18.07.2024.

2.In the affidavit filed in support of the writ petition, it had been contended by the writ petitioner that he has been doing retail trade business from



the year 1970 dealing with sale of agricultural pumps and motors. He is a registered licensed trader performing retail sale. In the year 2014, he started operating as a trader in the State of Tamil Nadu for agricultural products under the name M/s. Sun Agencies. He is the sole Proprietor of the said concern. It is stated that the business was to purchase agricultural products and sell the same as retailer. He was also issued license in the year 2021. He procured cotton from regulated market and through auction.

3.It is contended that the procurement in auction bid details are governed by the State of Tamil Nadu under the E-National Agricultural Market. The principle behind the formation of the agricultural market was to make payment directly to the farmers and to avoid middlemen and to benefit the farmers. It is claimed that the petitioner purchased cotton through various auctions conducted on behalf of the farmers. He had been procuring cotton originally from Thuraiyur Regulated Market, Manachanallur Regulated Market and Kumbakonam Regulated Market. On receipt of the material, he had to make payments to the respective regulated market. He claimed that he had been contacted by the 5th respondent - R.Gopal, who was acting as a middleman of the Committee and Society and was selling materials to various traders in Tamil Nadu like the



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petitioner. It is contended that the petitioner was making payments regularly for the cotton purchased as per the bills furnished to him. He found in September 2023, there was a discrepancy in the bills and in the materials were supplied. Therefore, he asked the 5th respondent to clarify the difference.

4.The petitioner made a representation to the 3rd respondent, the Manager, Sirkazhi Agricultural Producers Co-operative Marketing Society, Sirgazhi in Cuddalore District by letter dated 30.03.2024 and requested details of the date and place of auction and the list of details and the price list and the name of the farmers whose goods were kept in the auction. The said particulars had not been submitted to the petitioner. The petitioner also sent a legal notice dated 23.5.2024. A demand was raised by the 3rd respondent calling upon the petitioner to pay a sum of Rs.27,37,997. The petitioner then approached the 3rd respondent, but however liberty was not granted to him. He then addressed a letter to the Chief Minister Cell. It is contended that the 2nd respondent, the Deputy Registrar of Mayiladuthurai Co-operative Societies, had proceeded to attach the properties of the petitioner by proceedings under Section 167 of the Tamil Nadu Co-operative Societies Act, 1983. The petitioner had questioned that particular attachment by the 2nd respondent in this writ petition.



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5. Additionally, a dispute had been raised by the 2nd respondent under Section 90 of the Tamil Nadu Co-operative Societies Act, 1983 and notice had been issued under Rule 107 of the said Act. This writ petition has been filed seeking interference with such notice. The learned counsel for the petitioner stated that the petitioner is not a member of the Mayiladuthurai Co-operative Society. He stated that therefore the very issuance of the notice under Section 90 r/w Rule 107 of the Tamil Nadu Co-operative Societies Act/Rules, is malafide and the petitioner is not bound to answer such notice.

6. It is however seen from the records that only summons had been issued to the petitioner to appear for enquiry. Section 90 of the Tamil Nadu Co-operative Societies Act, 1983 is very clear that dispute among the members of the Society and also among persons claiming through members can be taken up for adjudication. Even if the petitioner is not a member, it is admitted that he had been purchasing cotton on behalf of the members. As a matter of fact, the exact words he had stated are as follows:

“The petitioner had been purchasing the cotton through various auctions conducted on behalf of the farmers.”



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7.It is thus probable that he had taken advantage of the farmers and had been purchasing cotton in the open market during the auction. Even in the documents filed by the writ petitioner, the demand raised by the respondents had been filed and it is seen that products had been supplied to the petitioner and the details of E-Way-Bills have been given. The petitioner therefore cannot claim ignorance or innocence. He cannot deny receiving of the products which he had purchased in the auction. Delivery had been made to him. Any stand taken to the contrary is not bonafide in nature. The petitioner had not paid the amounts for the products purchased by him in the auction. The respondents will have to protect the Society and it is for that particular purpose, that they had obtained attachment of the property of the petitioner herein. They had also issued notice under Section 90 r/w Rule 107 of the Act/Rules. The petitioner has an option. He can either answer the notice or he need not. If he does not, he would then have to permit the respondents to pass orders as are required. If the petitioner had paid any amount earlier, the same can be adjusted.

8.At any rate the enquiry will have to be conducted since if the petitioner is not a member, he is a person through a member/farmer having participated in



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the auction and purchased cotton in the auction and received delivery of the said cotton. I find no merits in the writ petition. The writ petition stands dismissed.

No costs. Consequently, connected miscellaneous petitions are closed.

13.11.2024

1/2

Index : Yes/No

NCS : Yes/No

KP

To

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C.V.KARTHIKEYAN.,J

KP

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