



WEB COPY



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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.12.2024

CORAM

THE HON'BLE Mr. JUSTICE **C.V.KARTHIKEYAN**

W.P.No.37645 of 2024
and
W.M.P.No.40703 of 2024

Chandra

Vs.

.. Petitioner

1. The Director,
Tamil Nadu Co-operative Milk Producers Federation Limited,
Chennai – 600 001.
2. The Deputy Registrar (Milk Production)
Perambalur District,
Perambalur.
3. The Secretary,
Udumbiyam Co-operative Milk Producers
Federation Limited,
Udumbiyam,
Perambalur District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records relating to the impugned order passed by the 2nd respondent in Na.Ka.No.483/2024/E2 dated 06.08.2024 and quash the same.



For Petitioner .. Mr.D.Ashok kumar
For Respondents .. Mr.S.Ravikumar,
Special Government Pleader

ORDER

This Writ Petition has been filed in the nature of a Certiorari seeking records relating to an order passed by the 2nd respondent, the Deputy Registrar (Milk Production) Perambalur District, Perambalur, in Na.Ka.No.483/2024/E2 dated 06.08.2024 and to quash the same.

2.In the affidavit filed in support of the writ petition, it had been stated that the petitioner's husband, Venkatesan was the Secretary of the 3rd respondent society namely, Udumbiyam Co-operative Milk Producers Federation Limited, Udumbiyam, Perambalur District. It had been stated that the 2nd respondent had conducted an enquiry for loss of Rs.23,75,346.72/- during 2020 – 2021 and 2021 – 2022. The enquiry was conducted under Section 81 of the Tamil Nadu Cooperative Societies Act, 1983. A conclusion had been reached on 06.08.2024 that there was loss to the 3rd respondent society and that the husband of the petitioner was responsible for part of the loss also.

3.It is however contended by the leaned Special Government Pleader



on behalf of the respondents that even earlier surcharge proceedings had been conducted under Section 87(1) of the Act and by an order dated 09.08.2023, the amount had also been determined. That fact had been suppressed in the writ petition. It had been stated that subsequently, the respondents had also filed an Execution Petition which is also pending. The order now impugned is dated 06.08.2024 but there is an earlier order dated 09.08.2023 which had not been challenged.

4.At any rate, any order passed under Section 87(1) of the Cooperative Societies Act, 1983 will have to be challenged only by filing an appeal under Section 152(1) of the Act. The scope of this Court to interfere with these proceedings is extremely narrow and particularly when there is suppression of material fact, the Court should not enter into any discussion on the merits of the case at all.

5.With the above observations, this Writ Petition stands dismissed. No costs. Consequently, connected Writ Miscellaneous Petition is closed.

19.12.2024

Index:Yes/No
Internet:Yes/No
smv

C.V.KARTHIKEYAN,J.



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