



W.P.(MD)No.8555 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.04.2024

CORAM

THE HONOURABLE MS JUSTICE R.N.MANJULA

W.P.(MD)No.8555 of 2024

P.Jeyaprakash

... Petitioner

Vs.

- 1.The State Registrar,
State Co-operative Societies,
No.170, N.V.N. Natarajan Palace,
Periyar E.V.R.Highway Road,
Kilpauk, Chennai-600 010.
- 2.The Deputy Registrar,
Co-operative Societies,
Madurai Region,
O/o.Deputy Registrar of Co-operative Societies,
Madurai.
- 3.The Joint Registrar,
Co-operative Societies,
Madurai Region,
Combined Co-operative Society Complex,
T.P.K.Road, Palangantham,
Madurai.
- 4.Chokkalingapuram Primary Agricultural
Co-operative Credit Society Limited,
Rep.by its Secretary,
Chokkalingapuram Village and Post,
Melur Taluk, Madurai District.

5.Velumani

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the second and third respondents to take appropriate departmental action against the fifth respondent/Chokkalingam Primary Agricultural Co-operative Credit Society Secretary, namely, Velumani and remove from service on the basis of the petitioner's representation dated 20.03.2024.

For Petitioner : Mr.K.Manoharan

For R1 to R3 : Mr.M.Senthil Ayyanar
Government Advocate

ORDER

Heard Mr.K.Manoharan, learned counsel appearing for the petitioner and Mr.M.Senthil Ayyanar, learned Government Advocate appearing for the respondent Nos.1 to 3.

2. The petitioner, who is a borrower of the loan, has filed this Writ Petition seeking for a Writ of Mandamus to direct the respondent Nos.2 and 3 to take departmental action against the fifth respondent and remove him from service on the basis of the petitioner's representation, dated 20.03.2024.



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3. The learned counsel appearing for the petitioner submitted that the fifth respondent has committed various irregularities and he has sanctioned loan in the name of the petitioner without his knowledge, pursuant to that, the loan amount was recovered from the petitioner. In this regard, the petitioner has made a detailed representation to the respondents 1 to 4, but, so far, no action has been taken.

4. However, the learned Government Advocate appearing for the respondents 1 to 3 submitted that the petitioner had borrowed the loan, but he had defaulted to repay the same. It is further submitted that since the recovery proceedings have been initiated, the petitioner has come out with this kind of allegation.

5. Whatever may be the case, on the very same set of facts, the petitioner has given a private complaint before the trial Court and subsequent to the directions of the Court, an FIR in Crime No.62 of 2019 was registered by the Inspector of Police, Kottampatti Police Station, Madurai. The petitioner has already invoked the remedy available under the criminal law and got FIR registered on his complaint. Unless a thorough investigation is done and a



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report is filed as to whether the fifth respondent has committed fraud or irregularity against the petitioner, the petitioner cannot compel the respondents 1 to 4 to initiate departmental action against the fifth respondent. Hence, this Writ Petition is dismissed. There shall be no order as to costs.

04.04.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
ssb

To

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Rep.by its Secretary,
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R.N.MANJULA, J.

ssb

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