



W.P.(MD).No.14788 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.07.2024

CORAM

**THE HONOURABLE MS.JUSTICE R.N.MANJULA**

**W.P.(MD).No.14788 of 2024**

Dr.L.Krishna Prabhu

Vs

...Petitioner

- 1.The Registrar,  
O/o.Registrar of Co-operative Society Office,  
NVN Natarajan Maligai,  
D.No.170, Periyar E.V.R.High Road,  
Kilpauk,  
Chennai – 600 010.
- 2.The Deputy Registrar,  
O/o.Deputy Registrar of Co-operative Society,  
Sivagangai Region,  
Kanjirangal area,  
Sivagangai District.
- 3.The Joint Registrar,  
O/o.Joint Registrar of Co-operative Society,  
Sivagangai Region,  
Kanjirangal area,  
Collectorate Unit II,  
Sivagangai District.



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4.V.Pandiruai,  
Secretary of Salaigramam Co-operative Society,  
O/o.Co-operative Society,  
Illayankudi Taluk,  
Sivgangai District.

... Respondents

**Prayer:** Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a Writ of Mandamus, directing the respondents 1 to 3 to take appropriate disciplinary action against the fourth respondent and make the fourth respondent to return back mishandled amount of Rs.96,00,000/- (Ninety six Lakhs) to the petitioner's Society account by considering the petitioner's representation dated 16.05.2024.

For Petitioner : Mr.S.M.A.Jinnah

For R-1 to R-3 : Mr.M.Senthil Ayyanar  
Government Advocate

### **ORDER**

Heard Mr.S.M.A.Jinnah, learned counsel for the petitioner and Mr.M.Senthil Ayyanar, learned Government Advocate for the respondents 1 to 3.



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2. The petitioner has filed this Writ Petition for issuance of Writ of Mandamus, seeking direction against the respondents 1 to 3 for taking disciplinary action against the fourth respondent and to recover a sum of Rs.96,00,000/- from the fourth respondent and return back to the petitioner's Society, by considering the petitioner's representation dated 16.05.2024.

3. The petitioner is a former President of D.No.277, Munaivendry Primary Agriculture Co-operative Credit Society Limited. The fourth respondent was also a former Secretary of the same Society and now presently working as the Secretary of Salaigramam Co-operative Society.

4. Mr.S.M.A.Jinnah, learned counsel for the petitioner submitted that the fourth respondent has misappropriated the Society funds and hence, the respondents 1 to 3 who are the competent authorities are bound to initiate action against the fourth respondent by conducting 81 enquiry and to recover a sum of Rs.96,00,000/- from the fourth respondent.



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5. Mr.M.Senthil Ayyanar, learned Government Advocate for the respondents 1 to 3 submitted that on the complaint given by the fourth respondent, FIR has been registered against the petitioner and other in Crime No.106 of 2018 dated 04.05.2018 on the file of Ilayangudi Police Station. After the investigation was over, the charge sheet has been filed against the petitioner and other and the case is pending before the learned Judicial Magistrate, Ilayangudi.

6. So far as the respondents 1 to 3 are concerned, the audit has been done for every year in the Society and to their knowledge, there is no misappropriation committed by the fourth respondent. The petitioner appears to have given a complaint against the fourth respondent and it is for the respondents 1 to 3 to scrutinize the same with the relevant materials and they have to come to a conclusion in their own discretion and power as to whether any action is required to be taken against the fourth respondent or not.



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7. If the petitioner in public interest has given a complaint by bringing out any misappropriation of public funds, that can be appreciated. But, if the petitioner gives complaint and files cases against the fourth respondent with vengeance and that too in the background of a criminal case pending against him on the complaint given by the fourth respondent, the Government authorities cannot be given with any directions as per the whims of the petitioner.

8. When the authorities concerned have given a clear chit to the fourth respondent after having ascertaining the facts by way of getting audit reports, I find no necessity to issue any directions as prayed.

9. Hence, the Writ Petition is dismissed. No costs.

**04.07.2024**

NCC:yes/no  
Index:yes/no  
Internet:yes/no  
Nsr

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**R.N.MANJULA, J.**

Nsr

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