



W.P.(MD)No.14461 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 08.07.2024

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THE HONOURABLE MS JUSTICE R.N.MANJULA

W.P.(MD)No.14461 of 2024

and

W.M.P.(MD)Nos.12698 and 12699 of 2024

M.Vanisri

... Petitioner

Vs.

- 1.The Commissioner,
Milk Production and Dairy Development,
Nandhanam, Chennai-600 032.
- 2.The Managing Director,
Milk Production and Dairy Development,
Madhavaram, Chennai-600 051.
- 3.The General Manager,
Madurai District Co-operative
Milk Produces Union,
Madurai-625 020.
- 4.The General Manager,
Tirunelveli District Co-operative
Milk Produces Union,
Reddiarpatti Road,
Perumalpuram,
Tirunelveli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari to call for the records pertaining to the impugned



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order of recovery passed by the fourth respondent dated 05.06.2024 in Na.Ka.No.00359/நீர்வாகம்-1/2023 and quash the same as illegal.

For Petitioner : Mr.R.Alagarsamy
For R2 to R4 : Mr.J.Devasenar

For R1 : Mr.S.Kameshwaran
Government Advocate

ORDER

This writ petition has been filed challenging the impugned order of recovery passed by the fourth respondent dated 05.06.2024 in Na.Ka.No. 00359/நீர்வாகம்-1/2023 as illegal.

2.Heard Mr.R.Alagarsamy, learned counsel for the petitioner and Mr.S.Kameshwaran, learned Government Advocate for the first responden and Mr.J.Devasenar, learned counsel for the respondents 2 to 4.

3.The learned counsel for the petitioner submitted that the petitioner has been issued with a notice under Section 81 of the Tamil Nadu Cooperative Societies Act regarding various defects found in the audit objection and he was subjected to surcharge proceedings. In the surcharge proceedings, orders have been passed on 03.04.2023 by holding that the



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petitioner and others were responsible to pay the surcharge amount of Rs.1,76,784/-.

4.The petitioner claims that without furnishing a copy of the surcharge proceedings dated 03.04.2023, the respondent has passed an order of recovery. Challenging the same, the petitioner has filed this writ petition.

5.The learned Government Advocate for the respondents submitted that the petitioner is aware of the order dated 03.04.2023. However, she has filed this writ petition without choosing to file an appeal against the surcharge proceedings under Section 152 of the Tamil Nadu Cooperative Societies Act. It is also submitted that only pursuant to the surcharge proceedings, the petitioner has made certain payments on 31.10.2023 and 03.04.2023 and hence, it cannot be stated that the petitioner is not aware of the surcharge proceedings.

6.It is learnt from the records that the petitioner is aware of the surcharge proceedings and had made payments with regard to the surcharge proceedings on 31.10.2023 and on 03.04.2023. Hence, the contention raised by the petitioner that the petitioner is not aware of the surcharge proceedings cannot be accepted.



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7.In view of the above, this Court is not inclined to interfere with the surcharge proceedings initiated against the petitioner. Accordingly, this writ petition is **dismissed**. However, the petitioner is at liberty to challenge the surcharge proceedings by exhausting the statutory remedy available under Section 152 of the Tamil Nadu Cooperative Societies Act. No costs. Consequently, connected miscellaneous petitions are closed.

08.07.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
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To

The Commissioner,
Milk Production and Dairy Development,
Nandhanam, Chennai-600 032.



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R.N.MANJULA, J.

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