



W.P.(MD) No.13293 of 2018

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.(MD) No.13293 of 2018

T.Nelson

... Petitioner

/vs./

1.The State of Tamil Nadu,
rep. by the Superintendent of Police,
Commercial Crime Investigation Wing,
SIDCO, Old Corporate Building,
1st Floor, Garment Complex -II,
Thiru.Vi.Ka.Industrial Estate,
Guindy, Chennai 600 032.

2.The Inspector of Police,
Commercial Crime Investigation Wing,
Hindu College Back side,
Nagercoil, Kanyakumari District.

3.P.Muruganantham
(R3 has been impleaded vide
order dated 05.07.2024)

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the second respondent to register a case



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on the complaint of the petitioner dated 11.05.2018 and investigate the same in accordance with law.

For Petitioner : Mr.C.Jeganathan for
M/S.Veera Associates

For R1 & R2 : Mr.S.Kameswaran
Government Advocate

For R3 : Mr.Jerin Mathew

ORDER

The petitioner has filed this writ petition for a Mandamus to take action against three persons, namely Muruganantham, who was the Secretary of Y 283 Vendalicode Primary Agricultural Cooperative Credit Society, of which the petitioner was the President, and two other persons.

2.It appears that the petitioner has given a representation to the second respondent on 11.05.2018 to take action against such persons, who have indulged in misuse of the post held by them. However, the petitioner has not impleaded them. The said Muruganantham has been impleaded as third respondent vide order of this Court made in WMP(MD) No.13293 of 2023 on 05.07.2024.



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3. In the counter, the second respondent has stated that the complaint of the petitioner is baseless. It is submitted that as per the guidelines put forth in G.O.Ms.No.170, dated 20.01.1971, Home Department, Government of Tamil Nadu, the Co-operative Departmental Cases are invariably referred to the Police for a thorough preliminary enquiry by the Officials of the Co-operative Department.

4. It is submitted that no preliminary enquiry report of the respondent was sent by the Officers of the Co-operative Society. It is therefore submitted that the question of registering a case against the said Muruganandham and the others, namely Kanagaraj, who held the post of General Manager, Central Co-operative Bank Nagercoil and Sankaranarayanan, who held the post of Assistant General Manager Central Co-operative Bank Nagercoil, or for that matter the third respondent, Muruganandham, who held the post of Secretary, Y 283 Vendalicode Primary Agricultural Cooperative Credit Society, does not arise.

5. The second respondent cannot be asked to proceed with the investigation without the internal report as is contemplated under G.O.Ms.No.170, dated



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20.01.1971. Therefore, the Writ Petition stands dismissed with liberty to the petitioner to approach the Court after there is due compliance of G.O.Ms.No.170, dated 20.01.1971. No costs.

Index : Yes / No

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Internet : Yes / No

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To

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C.SARAVANAN, J.

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