



W.P.(MD) No.19037 of 2015

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.09.2024

CORAM:

THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P.(MD) No.19037 of 2015

Arivoli Magalir Iyakkam,
Rep. by its President
K.Athilakshmi.

...

Petitioner

-VS-

1.The Registrar of Co-operative Societies,
Elumbur,
Chennai.

2.The Joint Registrar of Co-operative Societies,
Theni,
Theni District.

3.A.1254, Theni Agricultural
Producers Marketing Society Ltd.
D.No.661, Periyakulam Road,
Theni 625 631,
Theni District,

Rep by its Deputy Registrar/Managing Director... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India,
praying for issuance of a writ of certiorarified mandamus, to call for the



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records of the impugned final notice, dated 07.10.2015, issued by the 3rd respondent, and quash the same and consequently direct the 3rd respondent to continue the supply of essential commodities to the petitioner's fair price shop without insisting any fake arrears.

For Petitioner : Mr.R.Gowrishankar

For Respondents 1 & 2 : Mr.J.K.Jayaselan,
Govt. Advocate.

For Respondent 3 : Mr.D.Shanmugaraja Sethupathi

ORDER

This Writ Petition has been filed, challenging the impugned final notice, dated 07.10.2015, issued by the 3rd respondent, whereby the petitioner was found to be allegedly in default of payment to the extent of Rs.7,13,416/- in respect of the supplies made by the third respondent.

2. It is submitted by the learned counsel for the petitioner that there are no dues from the petitioner. As a matter of fact, transactions between the petitioner and the respondents are not transactions based on credit, instead are cash and carry transactions and, therefore, question of default would not arise.



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3. Learned counsel for the third respondent would submit that if the petitioner has any objection to the impugned notice, they ought to file objections along with supporting documentary evidence and, that, if such documents are filed within time, the same would be examined and orders passed in accordance with law.

4. In view of the above submission, the petitioner is at liberty to submit their objections, if any, along with supporting documentary evidence, to the third respondent within a period of four weeks. Thereafter, the third respondent shall deal with the said objections and pass appropriate orders. It is always open for the third respondent to proceed to recover any sums that may be due from the petitioner, in accordance with law.

5. Writ Petition is disposed of accordingly. No costs. Consequently, the connected M.P.(MD) Nos.1 and 2 of 2015 are closed.

30.09.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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MOHAMMED SHAFFIQ, J.

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