



W.P.(MD)No.21581 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.21581 of 2024

K.Murugavalli

... Petitioner

Vs.

- 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 Joint Registrar,
O/o.The Joint Registrar of Co-operative Society,
Sivagangai Region,
Kanjirangal Area,
Collectorate Unit II,
Sivagangai District.
- 3.The Deputy Registrar,
O/o.Deputy Registrar of Co-operative Society,
Sivagangai Region,
Kanjirangal Area, Sivagangai District.

4.V.Pandidurai

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents 1 to 3 to take appropriate action against the fourth



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respondent and make him to return the swindled amount of sum of Rs. 96,00,000/- (Rupees Ninty Six Lakhs only) to Munnaivendri Primary agriculture co-operative Loan Union Limited by considering petitioner's representation dated 17.08.2024.

For Petitioner : Mr.SMA.Jinnah

For Respondents : Mr.A.Kannan(for R1 to R3)
Additional Government Pleader
Mr.S.Kishore Kumar (for R4)

ORDER

This writ petition has been filed seeking for writ of mandamus directing the respondents 1 to 3 to take appropriate action against the fourth respondent and make him to return the swindled amount of Rs.96,00,000/- (Rupees Ninty Six Lakhs only) to Munnaivendri Primary Agriculture Co-operative Loan Union Limited by considering petitioner's representation dated 17.08.2024.

2. Heard both sides and perused the materials available on record.

3. It is the contention of the petitioner that the petitioner is the one of the Board of Director of Munnaivendri Primary Agriculture Co-



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operative Loan Union Limited. The fourth respondent, who was the Secretary of the said society, has misappropriated the amount to the tune of Rs.96 Lakhs, while sanctioning the loan amount for the welfare of Women in the name of Women Self-Help. In this regard, the petitioner gave representation to the respondents to take action against the fourth respondent. However, the same has not been entertained so far. Hence, seeks direction.

4. Counter has been filed by the third respondent to the effect that similar writ petition has already been filed in W.P(MD).No.14788 of 2024 before this Court by one L.Krishna Prabhu, former President of the said society. This Court in the said writ petition has clearly recorded the findings that there was no misappropriation and dismissed the same. Therefore, only at the instigation, the present writ petition has been pressed into service for the same set of allegation. It is also stated that enquiry under Section 81 of the Tamil Nadu Co-operative Societies Act, 1983, has been conducted by the society and the allegation levelled against the fourth respondent has not proved. A copy of the enquiry findings has also been placed. Hence, according to the respondents 1 to 3, the representation of the petitioner cannot be entertained for the same



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set of allegation, since already enquiry was conducted and seek dismissal of the petition.

5. In view of the above, as the allegation against the fourth respondent has not been established in a departmental enquiry, particularly, enquiry conducted under Section 81 of the Act, the petitioner cannot insist to direct the respondents 1 to 3 to take action against the fourth respondent. That apart, in similar writ petition, this Court has clearly recorded the findings that no direction can be issued as per the whims of the petitioner, as the departmental enquiry has been initiated and charges against the fourth respondent has not been proved. In such view of the matter, I do not find any merits in this writ petition. Accordingly, this Writ Petition stands dismissed. No costs.

16.10.2024

Index : Yes / No

NCC : Yes / No

Rmk



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N.SATHISH KUMAR, J.

Rmk

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