

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.06.2025

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CORAM

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.No.13750 of 2004

and

M.P.Nos.2427, 16152 & 16153 of 2004

A.Sankarananthan

... Petitioner

Vs.

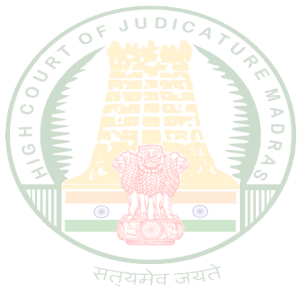
1.The Registrar of
Co-operative Societies,
V.N.Maligai,
Kilpauk, Chennai – 10.

2.The Special Officer,
Theni Co-operative
Sale Societies Ltd.,
Theni, Theni District.

3.The Inspector of Police,
Vigilance and Anti- Corruption,
Madurai.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of declaration, declaring the FIR No.11 of 2003 dated 01-12-2003 on the file of the 3rd respondent is violative of other provisions of Section 81, 161 & 162 of the Tamil Nadu Co-operative Societies Act, 1983 (Tamil Nadu Act 30 of 1983) and violative of Entry 43 of List I, Entry 42 of List II, Entry I of List III of the VIIth Schedule of the Constitution of India and arbitrary and null and void and without jurisdiction.



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W.P.No.13750 of



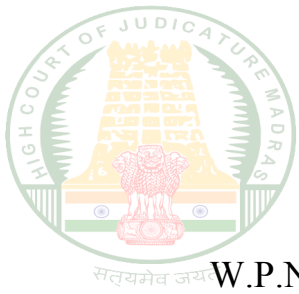
For Petitioner : Mr.A.Sivaji
For R1 & R2 : Mr.K.Tamilvendhan
Government Advocate

ORDER

This matter came up for consideration on 03.06.2025 in the forenoon session and the same was passed over. As there was no representation for the petitioner in the afternoon session, the matter was directed to be listed under the caption 'for dismissal'.

2. Today, the matter is listed under the caption 'for dismissal'. The learned counsel for the petitioner submitted that inspite of his best efforts to contact the petitioner, he could not get any instructions from the petitioner.

3. This writ petition has been filed seeking a writ of declaration to declare the FIR No.11 of 2003 dated 01-12-2003 on the file of the 3rd respondent is violative of other provisions of Section 81, 161 & 162 of the Tamil Nadu Co-operative Societies Act, 1983 and also violative of Entry 43 of List I, Entry 42 of List II, Entry I of List III of the VIIth Schedule of the Constitution of India.



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4. An identical writ petition filed by another person vide W.P.No.17765 of 2003 came up for consideration before a coordinate bench of this Court and this Court, by an order dated 19.12.2007, declined to entertain the said writ petition by passing the following order:

“The omni bus prayed for stalling the criminal prosecution cannot be countenanced by this Court. The contention that the provisions of the Tamil Nadu Co-operative Societies Act, are a 'special law', which will override the 'Indian Penal Code', cannot be accepted. It is for the petitioner to defend himself as and when any criminal prosecution is launched.

2. In any event, in identical matters involving the same issue, has been decided by a Division Bench of this Court presided over by S.J.Mukhopadhaya, J. In view of the same, the writ petition stands dismissed. No costs.”

5. In the light of the above, this Court is inclined to follow the order passed by this Court, as referred to above. Accordingly, this writ petition is also dismissed. No costs. Connected miscellaneous petitions, if any, shall stand closed.

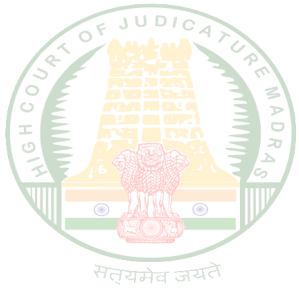
05.06.2025

dpa

Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation : Yes / No



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MUMMINENI SUDHEER KUMAR, J.

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