



W.P.(MD)No.5024 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.5024 of 2025

R.Satheesh Kumar

: Petitioner

Vs.

1. The Joint Registrar of Co-Operative Societies,
Kanyakumari Region,
Kanyakumari District @ Nagercoil.
2. The Assistant Director of Co-Operative Audit,
Collector Office - Annex Building,
Kanyakumari District @ Nagercoil.
3. The Deputy Registrar of Co-Operative Societies,
Thuckalay Circle,
Palace Road, Thuckalay,
Kanyakumari District.
4. The Special Officer,
674, Thiruvattar Primary Agricultural
Co-Operative Credit Society Limited,
Thiruvattar, Kanyakumari District.
5. Ushakumari,
Secretary,
674, Thiruvattar Primary
Agricultural Co-Operative Credit
Society Limited,



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Thiruvattar,
Kanyakumari District.

6. Melfa Chinnarani,
Sales Women,
674, Thiruvattar Primary
Agricultural Co-Operative Credit
Society Limited,
Thiruvattar,
Kanyakumari District.

7. Rishikesh,
Senior Clerk (Credit I/c),
674, Thiruvattar Primary Agricultural Co-
Operative Credit Society Limited,
Thiruvattar,
Kanyakumari District.

: Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents 1 to 4 to conduct enquiry and to take appropriate action as against the respondents 5 to 7 herein for their irregular act and misappropriation of society funds illegally violating the G.O.M.S.No. 97, Co-Operative, Food and Consumer Protection (CC1) Department dated 01.11.2021 and to recover the society fund and to credit the same in the Account Stands in the name of the society as per the provisions contemplated under the Tamil Nadu Co-Operative Societies Act, on the basis of petitioners representation made before them by RPAD dated 20.01.2025.

For Petitioner : Mr.Rajakumar.C

For Respondents : Mr.K.S.Selvaganesan

Additional Government Pleader
for R1 to R4



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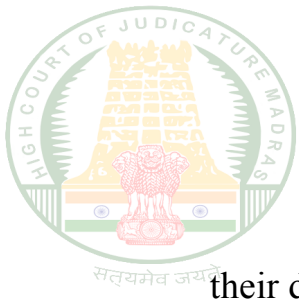
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ORDER

This writ petition has been filed seeking a mandamus, directing the respondents 1 to 4, to conduct enquiry and to take appropriate action as against the respondents 5 to 7, by considering the petitioner's representation dated 20.01.2025.

2. Heard the learned counsel for the petitioner and Mr.K.S.Selvaganesan, learned Additional Government Pleader, appearing on behalf of the respondents 1 to 4. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself. Having regard to the nature of the order proposed to be passed in this writ petition, notice to the respondents 5 to 7, is dispensed with.

3. The petitioner claims that he is the President of the fourth respondent society. He has made allegations against the respondents 5 to 7 of the cooperative society, accusing them of swindling money, misappropriating funds and providing loans to members and their guarantors, including individuals, who were not family members, despite



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their default on loan repayment, which have caused significant loss to the society. In this regard, the petitioner submitted a detailed representation on 20.01.2025, requesting the first respondent to take appropriate legal action against the respondents 5 to 7. However, as no action has been taken on the representation, the petitioner has now filed the present writ petition.

4. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon him to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of the Constitution of India and direct them to consider the same within a stipulated time.

5. In the light of the above observations, there shall be a direction to the first respondent, to consider the petitioner's representation dated 20.01.2025, on its own merits and pass appropriate



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orders in accordance with law, after giving due opportunity to the petitioner, as well as all other persons, who may be interested in the subject matter, within a period of two months from the date of receipt of a copy of this order. It is also made clear that this Court has not expressed any of its views with regard to the merits of the matter and that it is open to the first respondent to consider the same on its own merits.

6. With the above directions, the Writ Petition stands disposed of. There shall be no order as to costs.

25.02.2025

Index : Yes / No

Internet : Yes / No

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VIVEK KUMAR SINGH, J.

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