

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.07.2015

CORAM:

THE HONOURABLE MR.JUSTICE T. RAJA

W.P.No.15210 of 2015

M.P.No.1 of 2015

R.Elangovan

.. Petitioner

Vs.

1. The Deputy Registrar of Co-op. Societies,
Cuddalore Circle, Cuddalore.
2. The Management,
E 2591, Parvathipuram Primary Agricultural
Co-operative Credit Society,
Parvathipuram, Vadalur Post,
Cuddalore District.

.. Respondents

Writ Petition is filed under Article 226 of the Constitution of India, praying for a Writ of Certiorari, to call for the records, relating to the order, dated 21.04.2015, made in Na.Ka.No.2189/13/Sapa, on the file of the first respondent herein and quash the same.

For Petitioner : Mr.C.Munusamy

For 1st Respondent : Mr.L.P.Shanmuga Sundaram
Special Government Pleader
(Co.OP.Societies)

O R D E R

This Writ Petition has been filed by Mr.R.Elangovan, challenging the impugned order, dated 21.04.2015, issued by the Deputy Registrar of Co-op. Societies, Cuddalore Circle, Cuddalore, 1st respondent herein, in and by which, the first respondent has come to a conclusion that the petitioner is no longer eligible or entitled to continue as President of the 2nd respondent-Society.

2. It is the case of the petitioner that after he became a member of the Administrative Committee of the 2nd respondent-society on 09.04.2013, he was unanimously elected as President of the said Society on 30.04.2013. Since then, he is rendering unblemished services to the Society, without any remarks. In the mean while, the 1st respondent had issued a show cause notice, dated 02.09.2013, to

the petitioner, calling for explanation, as to why, he should not be removed from the membership of the Administrative Committee, under Section 34(1)(a) of the Tamil Nadu Co-operative Societies Act, 1983, r/w. Rule 63 of the Tamil Nadu Co-operative Societies Rules, 1988, with a specific allegation that one Mr.R.Ramakrishnan, who is working as Clerk in the Society, is closely related to him, as the son of his father's brother. Aggrieved by the said show cause notice, the petitioner has filed W.P.No.25822 of 2013, taking a specific ground that the 1st respondent herein has no jurisdiction to issue the abovesaid show cause notice, under Section 34(1)(a) of the Tamil Nadu Co-operative Societies Act, 1983. However, this Court, having held that the 1st respondent is having jurisdiction to issue a show cause notice, directed the petitioner to submit his explanation to the said authority. The said writ petition came to be disposed of on 16.09.2013, without advertting to the merits of the case. Thereafter, the petitioner has given his explanation on 26.09.2013, taking a stand that he was elected as Vice President of the 2nd respondent-Society, during the period 1996-2001, while the said Mr.R.Ramakrishnan was working in the Society. Furthermore, the relationship between Mr.R.Ramakrishnan and the petitioner, having not proved, it is not proper on the part of the 1st respondent, to attribute any motive that the said Mr.R.Ramakrishnan, was appointed by him. In any event, the said Mr.R.Ramakrishnan, is not working in the 2nd respondent-Society and he is working in the Cuddalore Central Co-operative Bank, as on 30.11.2013, as per the Circular, issued by the Registrar of Co-operative Societies, vide proceedings in Na.Ka.No.83470/2006 sapa3 12/08, dated 01.04.2008 and drawing the salary from the said Co-operative Society.

3. In this regard, this Court has directed the 1st respondent to produce the initial order of appointment of Mr.R.Ramakrishnan, to find out, as to whether, Mr.R.Ramakrishnan was appointed in the 2nd respondent-Society, during the time, when the petitioner was holding the post of Vice President of the said Society.

4. Pursuant thereto, today, when the matter came up for hearing, Mr.L.P.Shanmuga Sundaram, learned Special Government Pleader, appearing for the 1st respondent, placed on record, certain documents. Documents contain the proceedings of the Joint Registrar of Co-operative Societies, Cuddalore Region, vide R.C.No.1162/2007 Nu (5), dated 20.09.2007 and the service book of the said Mr.R.Ramakrishnan.

5. Perusal of the said documents, placed on record, by the learned Special Government Pleader, does not throw any light on the allegations made against the petitioner that at the time, when he was holding the post of Vice President, the said Mr.R.Ramakrishnan, was appointed in the 2nd respondent-Society. Even though the counter affidavit filed by the 1st respondent, fails to bring on record any supportive details, except one averment that the petitioner cannot dispute the fact that Mr.R.Ramakrishnan, who is working as Clerk, in

the Society, is closely related to the petitioner, as the son of his father's brother, as I already mentioned that the said Mr.R.Ramakrishnan, came to be appointed, not during the time, when the petitioner was serving as Administrative Committee Member or at the time, when he was holding the post of Vice President, in the 2nd respondent-Society. Therefore, the allegations made against the petitioner, is totally unfounded.

7. Therefore, this Court, finding no merits in the impugned order, is inclined to quash the same. Accordingly, the impugned order is set aside. Hence, the writ petition stands allowed. No costs. Consequently, connected Miscellaneous Petition is also closed.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

To

The Deputy Registrar of Co-op. Societies,
Cuddalore Circle, Cuddalore.

+1 cc to Mr.C.Munusamy, Advocate,SR.32883

+1 cc to mr.L.P.Shanmugasundaram, Advocate,SR.33105

+1 cc to Government Pleader,SR.33360.

Gj(co)
krd 15/7

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