

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 1/12/2015

C O R AM

THE HONOURABLE Mr.JUSTICE T.S.SIVAGNANAM

W.P.No.22430 of 2015

Mrs.Lakshmi

...

Petitioner

Vs

1. The Joint Registrar of Co-operative Societies
Vellore Region
Collectorate Building
Sathuvachari
Vellore 632 009.
2. The Deputy Registrar of Co-operative Societies
Election Officer
Ranipet Circle
26/51 Pallar Plaza
Arcot Road
Ranipet
Vellore District.
3. C-1317 Arakonam Co-operative Primary
Agriculture and Rural Development
Bank Limited
rep. By its President
Vallalar Street
Jothi Nagar
Arakonam 631 003
Vellore District.

Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of certiorarified mandamus to call for the records of the respondents particularly that of the third respondent dated 30/3/2015 (wrongly typed as 30/3/2013) vide proceedings nil and the consequential proceedings of the second respondent by way of paper publication dated 22/7/2015 in respect of item No.1 of election notice and quash the same as illegal, unlawful without jurisdiction, ultra vires and consequently forbear the respondents from in any manner interfering with nor disturb the petitioner from peacefully executing her functions as Board of Directors C-1317 Arakonam Co-operative Primary Agriculture and Rural Development

Bank Ltd., Vallalar Street, Jothi Nagar, Arakonam 631 003,
Vellore District.

For petitioner ... Mr.T.S.Rajamohan
For respondents ... Mr.L.P.Shanmugasundaram
Special Government Pleader
(Co-op) for R.R.1 and 2.

Mrs.P.Kavitha
Government Advocate
for R.3.

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O R D E R

With the consent of the learned counsel appearing for the parties, this writ petition is taken up for final disposal.

2. Heard Mr.T.S.Rajamohan, learned counsel appearing for the petitioner, Mr.L.P.Shanmugasundaram, learned Special Government Pleader (Co-operatives) for the respondents 1 and 2 and Mrs.P.Kavitha, learned Government Advocate for the third respondent.

3. Challenging the order dated 30/3/2013, disqualifying the petitioner from the capacity of the Board of Director of the respondent Society on the ground that she has absented herself for four consecutive meetings of the Board. The petitioner also challenges the election Notification issued by the respondent for conducting election for the Board of Directors in the Society.

4. If there are any statutory violation committed by the Board prior to pass the proceedings dated 30/3/2013, then the petitioner has an effective and efficacious remedy, under the provisions of the Tamil Nadu Co-operative Societies Act, 1983, by way of filing an appeal and without resorting to such remedy, the petitioner cannot directly approach this Court.

5. In the light of the above, the relief sought for by the petitioner cannot be granted.

6. In the result, this writ petition is dismissed. Liberty is granted to the petitioner to file an appeal under the provisions of the Act, if so advised. If appeal is filed, the

period during which the writ petition was pending from July 2015 till date shall be excluded for the purpose of computing limitation. No costs. Consequently, the connected Miscellaneous Petitions are closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1. The Joint Registrar of Co-operative Societies
Vellore Region
Collectorate Building
Sathuvachari
Vellore 632 009.
2. The Deputy Registrar of Co-operative Societies
Election Officer
Ranipet Circle
26/51 Pallar Plaza
Arcot Road
Ranipet
Vellore District.
3. The President
C-1317 Arakonam Co-operative Primary
Agriculture and Rural Development Bank Limited
Vallalar Street
Jothi Nagar
Arakonam 631 003
Vellore District.

+1 cc to Mr.T.S.Rajmohan Advocate sr.65279

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