

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.10.2015

CORAM:

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

W.P. No.31643 of 2015

T.Ammasi

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Petitioner

Vs.

1.The Deputy Registrar of Co-operative Societies,
Omalur Circle, Omalur,
Salem District.

2.A.Govindarasu
President,
S-838, N.Maniyakaranur Primary Agricultural
Co-operative Credit Society Ltd.,
Kongupatty Post, Omalur Taluk,
Salem District.

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Respondents

PRAYER : Writ petition filed under Article 226 of the
Constitution of India for issue of writ of mandamus directing
the 1st respondent to pass an order under Section 34 of the
Tamilnadu Co-operative Societies Act disqualifying the 2nd
respondent from holding the post of President of S.838,
N.Maniyakaranur Primary Agricultural Co-operative Credit Society
Ltd., Kongypatty Post, Omalur Taluk, Salem District.

For Petitioner : Mr.M.S.Palaniswamy

For Respondents: Mr.L.P.Shanmugasundaram
Special Govt. Pleader (Co.op)
for R1.

O R D E R

The petitioner is the Vice President of the second
respondent Co-operative Society and the second respondent is the
President. According to the petitioner, the second respondent's
brother-in-law's wife is working as a sales women in the second
respondent Co-operative Society (S.838) and hence under Section
34 (1) (a) of the Tamilnadu Co-operative Societies Act r/w Rule
63 (Item No.13) of the Tamil Nadu Co-operative Societies Rules,
the second respondent is disqualified to hold the post as a
President in the said Society. Giving the above said details,

the petitioner approached the first respondent however, the first respondent directed the Society to pass a resolution and report the matter to the first respondent. Accordingly, resolution was passed and the same was communicated to the first respondent by way of representation Dt.01.09.2015. Since no order has been passed by the first respondent, the petitioner is before this court by way of this writ petition.

2. Heard Mr.M.S.Palaniswamy, learned counsel appearing for the petitioner and Mr.L.P.Shanmugasundaram, learned Special Government Pleader appearing for the respondents.

3. Taking into consideration the alleged prohibition under Section 34 (1) (a) of the Tamilnadu Co-operative Societies Act r/w Rule 63 (Item No.13) of the Tamil Nadu Co-operative Societies Rules for a person to hold a post in the Co-operative Society when his blood relative is employed in the same society and the resolution passed by the society stating that the close relative of the second respondent is an employee in the society, the second respondent is disqualified from hold the post of President.

4. In view of the above facts and circumstances, it is appropriate to direct the first respondent to pass orders on the petitioner's representation dated 01.09.2015, after issuing notice to the second respondent and the petitioner and dispose of the representation of the petitioner, within a period of six weeks from the date of receipt of a copy of this order.

5. With the above direction, this writ petition is disposed of. No costs.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

rgr

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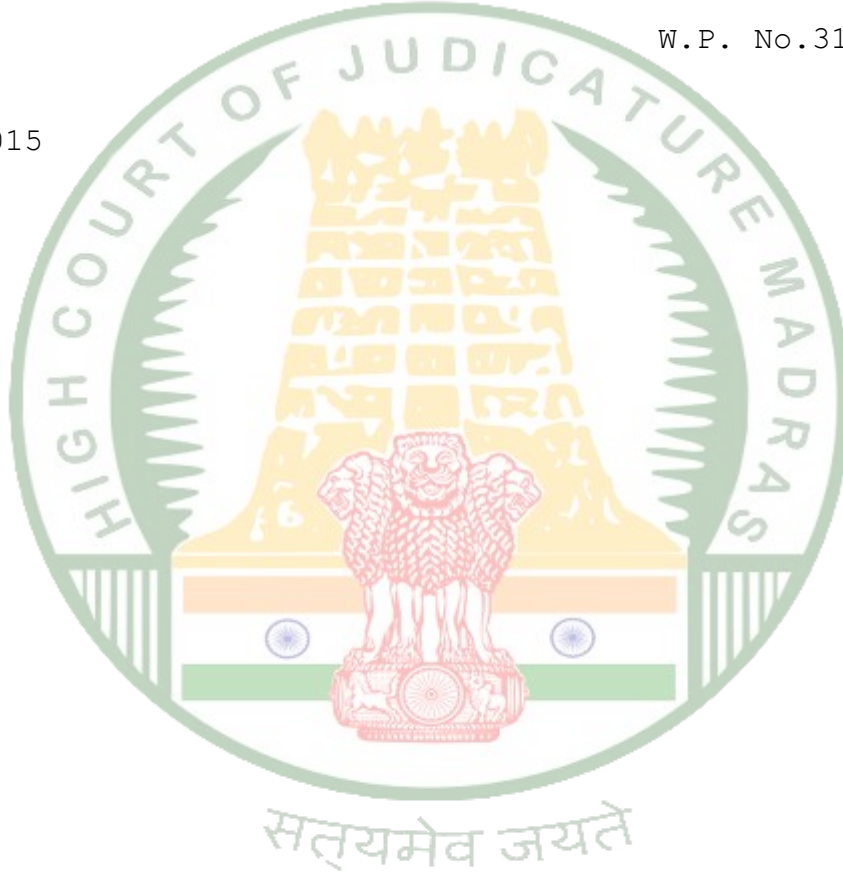
The Deputy Registrar of Co-operative Societies,
Omalur Circle, Omalur,
Salem District.

+1 cc to the Government Pleader High Court, Madras
sr.54705

+1 cc to Mr.M.S.Palaniswamy Advocate sr.54363

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