

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.11.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

Writ Petition No.36261 of 2015

and

M.P.Nos.1 & 2 of 2015

C.Baladhandapani

...Petitioner

Vs.

1. The Registrar of Co-operative Societies,
Government of Tamil Nadu,
M.V.Natrajan Maligai, No.170, EVR,
High Road, Kilpauk, Chennai - 10.
2. The Joint Registrar of Co-operative Societies,
Tiruppur.
3. CE 17 Dharapuram Public Servants'
Co-operative Thrift and Credit Society Ltd.,
rep. by Registrar, 50, Alangiam Road,
Dharapuram - 638 656, Tiruppur.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus, forbearing the respondents 1 and 2 to remove the Co-operative Societies Board until the disposal of the petitioner's Appeal, dated 04.11.2015, pending before the first respondent, and consequently, to directing the 1 and 2 respondent not to conducting any fresh election CE 17 Dharapuram Public Servants' Co-operative Thrift and Credit Society Ltd., 50, Alangiam Road, Dharapuram - 638 656, Tiruppur.

For Petitioner : Mr.T.Mohan, for M/s.C.Yokesh
For Respondents 1 & 2 : Mr.L.P.Shanmughasundaram
Special Government Pleader
(For Co-operative Society)

O R D E R

With the consent of learned counsel appearing on either side, the Writ Petition is taken up for final disposal.

2. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents 1 and 2.

3. The prayer sought for in this Writ Petition is for a issuance of Writ of Mandamus forbearing the respondents 1 and 2 from removing the petitioner from the Co-operative Societies Board till the disposal of the his Appeal, dated 04.11.2015, pending before the first respondent, and consequently direct the respondents 1 and 2 not to conduct any fresh election in respect of CE 17 Dharapuram Public Servants' Co-operative Thrift and Credit Society Ltd., situated at No.50, Alangiam Road, Dharapuram, Tiruppur.

4. The petitioner has filed this Writ Petition seeking for the aforementioned relief, because, the alternate remedy, which he was directed to avail of, was becoming ineffective. This was due to the fact that when the petitioner presented the Appeal papers before the Registrar, and also prayed for interim orders, it appears that he was informed that the Registrar can take up the matter only in the week starting from 16.11.2015.

5. In the morning session, when the Writ Petition was moved, the learned Special Government Pleader was directed to get instructions in the matter. Promptly, the learned Special Government Pleader has got written instructions from Thiru.R.Karthikeyan, Additional Registrar (Marketing, Planning and Development), O/o. Registrar of Cooperative Societies, Chennai-10, vide proceedings bearing Rc.No.85943/2015/SF3, dated 06.11.2015 and on perusal of the same, it appears that a fee has to be remitted by the petitioner, and if such fee has to be remitted by the petitioner, it could not have been intimated to the petitioner. In any event, the Additional Registrar, has fixed the date for hearing the said Appeal on 09.11.2015 by 11.00 a.m., On the said date, the petitioner may appear before the Registrar of the Co-operative Societies and canvass all the contentions and if any fee is payable by him, the same shall be remitted, which shall be accepted by the Registrar.

6. Accordingly, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

-Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1. The Registrar of Co-operative Societies,
Government of Tamil Nadu,
M.V.Natrajan Maligai, No.170, EVR,
High Road, Kilpauk, Chennai - 10.
2. The Joint Registrar of Co-operative Societies,
Tiruppur.
3. CE 17 Dharapuram Public Servants'
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+1 cc to Government Pleader vide sr.62051

+1 cc to M/S.L.P.Shanmugasundaram vide sr.61923

Writ Petition No.36261 of 2015

skv(co)
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