

In the High Court of Judicature at Madras

Dated : 27.11.2015

Coram :

The Hon'ble Mr.Sanjay Kishan Kaul, Chief Justice

O.P.Nos.164 and 165 of 2013

G.Sivakumar .. Petitioner in OP.164/2013

K.Sankara Narayanan .. Petitioner in OP.165/2013

-vs-

1.Central Registrar of Co-operative Societies, Ministry of Agriculture, Dept. Of Agriculture & Co-operation, Krishi Bhavan, New Delhi.

2.The Additional Registrar of Co-operative Societies, No.91, St. Marys Road, Abiramapuram, Chennai.

3.The Railway Employees Co-operative Credit Society Limited, Ashok Vihar Complex, Old Zoo Road (Near Central Railway Station), Chennai. . Respondents in both OPs.

Petitions filed under Section 11 (6) of the Arbitration and Conciliation Act, 1996, to appoint an arbitrator to hear and decide the disputes raised by the petitioners to decide as to whether Mr.Manivannan and Mr.N.Kanniah can continue as the Chief Executive and Chairman respectively of the 3rd Respondent Society in view of their disqualification under the Multi State Co-operative Societies Act.

For Petitioners : Mr.Balan Haridas

For Respondents : Mr.K.S.Jeyaganeshan for R-1
 : Mr.T.Jeyaramaraj
 for Mr.A.Muraleedharan for R-2
 : Mr.R.Muthukumaraswamy, S.C.
 For Mr.A.Jenasenan for R-3
 * * * * *

O R D E R

The disputes inter se the members and the third respondent / Co-operative Society arise under the Multi State Co-operative Societies Act, 2002 (hereinafter referred to as 'the said Act'). Unfortunately, the petitioners invoked the jurisdiction of the Registrar not under Section 84 of the said Act, but mistakenly addressed the communication to the State Registrar, while marking a copy to the Central Registrar. Be that as it may, after filing of the petitions, the jurisdiction of the Central Registrar has been invoked subsequently and it is the stand of the learned counsel appearing for the first respondent / Central Registrar that the same was responded to by stating that the jurisdiction has been belatedly invoked.

2.I am of the view that because the petitioners did send the communication both to the Central Registrar and the State Registrar at an early stage of time, though it was not directly addressed to the Central Registrar, a

technical defect at best, which was remedied subsequently, it is appropriate that the Central Registrar should exercise the jurisdiction for appointment of Arbitrator in accordance with law, within a period of one month of the receipt of the order.

3.Original petitions, accordingly, stand disposed of, leaving the parties to bear their own costs.

Sd/ (S.K.K., CJ.)
27.11.2015

//Certified to be a true copy//

Dated this the day of 2015.

R.s/21.12.2015

COURT OFFICER

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