

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.12.2015

CORAM

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

W.P. No.40623 of 2015

and

M.P.No.1 of 2015

No.K-1106, Poolankinar Primay Agricultural
Co-operative Credit Society Ltd,
Rep by its President,
Poolankinar - 641 122
Udumalpet Taluk,
Tiruppur District.

...Petitioner

Vs

1. The Registrar of Cooperative Societies,
No.170, E.V.R.Periyar High Road,
Kilpauk, Chennai 600 010
2. The Joint Registrar of Co-operative Societies,
Tiruppur Region,
Palladam Road, Tiruppur 641 604
3. The Deputy Registrar of Co-operative Societies,
Dharapuram Circle,
Vasantha Road, Dharapuram 638 656
Tiruppur District.
4. The Inspector of Police,
C.C.I.W.CID, Coimbatore Rural,
Coimbatore 641 018.
5. V.K.Arulvelan,
Clerk,
Poolankinar PACS, Poolankinar - 641 122
Tiruppur District.

... Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue Writ of Certiorarified mandamus, calling for the entire records relating to the impugned orders passed by the 3rd respondent in the proceedings Na.Ka. 3187/2010/ Sa.Pa. dated 27.11.2015 and quash the same and consequently forbear the respondents 3 and 4 from in any manner interfering with the Board of Management in their exercise of powers vested with them

as per the provisions of the Tamil Nadu Cooperative Societies Act, 1983.

For Petitioner : Mr.R.Krishnamoorthy
For Respondents 1 to 4 : Mr.D.Venkatachalam
Government Advocate

O R D E R

By consent of the learned counsel on either side, the writ petition is taken up for final disposal.

2. Heard Mr.R.Krishnamoorthy, learned Counsel appearing for the petitioner and Mr.D.Venkatachalam, learned Government Advocate appearing for the respondents 1 to 4.

3. The petitioner is a Co-operative Society and the present attempt of the petitioner is to canvas the case of the fifth respondent, who was demoted by the order dated 11.07.2013 passed by the Joint Registrar of Cooperative Societies, the second respondent. Admittedly, the fifth respondent has not challenged the said order dated 11.07.2013, in and by which, the fifth respondent was de-promoted. As long as the said order is not questioned in the manner known to law, the question of permitting the fifth respondent to discharge higher responsibility would in effect reduce the order dated 11.07.2013 to a nullity. Therefore, the third respondent has rightly observed that the society should adhere to the directions contained in the order dated 11.07.2013. Accordingly, the challenge to the impugned proceedings is not sustainable. Hence, the Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

-s/d-
Assistant Registrar (CSII)
dt:18/01/2016

True Copy

Sub-Assistant Registrar

srn

1. The Registrar of Cooperative Societies,
No.170, E.V.R.Periyar High Road,
Kilpauk, Chennai 600 010

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Tiruppur Region,
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Vasantha Road, Dharapuram 638 656
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4. The Inspector of Police,
C.C.I.W.CID, Coimbatore Rural,
Coimbatore 641 018.

+1 cc to Mr.P.Krishnamoorthy Advocate sr.69285

+1 cc to Government Pleader sr.69609

W.P. No.40623 of 2015

ctk(co)
aa19/01/2016



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