

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.03.2015

CORAM :

THE HONOURABLE MR. JUSTICE T. RAJA

W.P.Nos. 34346, 35860 and 39464 of 2004

P. Alphonse Ligori
General Secretary
Chidambaranar District Central
Cooperative Bank Employees Union ... Petitioner in W.P.34346/2004

Thiruchirapalli Central Co-op.
Bank Employees Union ... Petitioner in W.P.35860/2004

Kanyakumari District Central
Co-operative Bank All Staff Union
rep. by its General Secretary ... Petitioner in W.P.39464/2004

Vs.

The Secretary to Government
Co-operation Food and Consumer
Protection Department
Government of Tamil Nadu
Fort St. George
Chennai - 600 009.

The Registrar of Co-operative Societies
170, E.V.R Periyar Salai
Kilpauk
Chennai - 600 010. सत्यमेव जयते. Respondents 1 & 2
in all WPs

The Special Officer/ Joint Registrar
Tuticorin District Central
Co-operative Bank Ltd.,
Ettayapuram Road
Tuticorin.

Deputy Registrar of Co-operative Societies
Errayapuram Road
Tuticorin. .. Respondents 3 & 4 in
WP Nos. 34346 of 2004

The Special Officer
Tiruchirapalli District Central
Co-operative Bank Ltd.,
No.2, Fort Station Road
Teppakkulam Post
Trichy - 620 002

.. Respondent 3 in
WP Nos. 35860 of 2004

The Special Officer
Kanyakumari District Central
Co-operative Bank Ltd.,
Nagercoil, Nagercoil- 600 001.

Deputy Registrar of Co-operative Societies
Nagercoil Region
Nagercoil - 600 001.

... Respondents 3 & 4 in
WP Nos. 39464 of 2004

PRAYER in W.P.34346/2004: This Writ Petition has been filed under Article 226 of the Constitution of India to issue an order of Writ of Mandamus, forbearing the respondents 1 to 4 herein from in any manner proceeding with or taking steps to implement or implementing the Special Bye-Laws of the Tuticorin District Central Co-operative Bank as approved by the Government in its G.O. Ms. No. 235 Co-operation Food and Consumer Protection (CC1) Department dated 31.05.2004 and pass further orders.

PRAYER in W.P.35860/2004: This Writ Petition has been filed under Article 226 of the Constitution of India to issue an order of Writ of Declaration, declaring the Special Bye-law approved by 1st respondent in its order G.O. Ms. No. 237 Co-operation Food and Consumer Protection (CC1) Department dated 31.05.2004 as arbitrary, illegal violative of Article 14, 19 (1) g of Constitution of India, ultra vires of the provisions of the Tamil Nadu Co-operative Societies Act, 1983 and pass further orders.

PRAYER in W.P.39464/2004: This Writ Petition has been filed under Article 226 of the Constitution of India to issue an order of Writ of Mandamus, forbearing the respondents 1 to 4 herein from proceeding with or taking steps in any manner to implement or implementing the Special Bye-Laws of the Kanyakumari District Central Co-operative Bank as approved by the Government in its G.O. Ms. No. 229 Co-operation Food and Consumer Protection (CC1) Department dated 31.05.2004 and pass further orders. (Prayer amended as per order dated 4.4.2005 made in WPMP.9006 & 9007/05)

For Petitioners : Mr. S. Anbazhagan for M/s.D.Geetha
in W.P. Nos.34346 & 39464/2004
Mr. N.V.R. Prasad for M/s.R.Rajaram
in W.P. No. 35860/2004

For Respondents: Ms. T.P. Savitha,
GA for R1, R2 & R4 in all Wps

Mr. R. Parthiban for R3
in W.P. Nos.34346 & 35860/2004

Mr. S.M. Subramaniam for R3
in W.P. No.39464/2004

C O M M O N O R D E R

These three Writ Petitioners have sought for issuance of a Writ of Mandamus, to forbear the respondents 1 to 4 herein from in any manner proceeding further or taking steps to implement or implementing the Special Bye-Laws of the Tuticorin District Central Co-operative Bank as approved by the Government in its G.O. Ms. No. 235 Co-operation Food and Consumer Protection (CC1) Department and the bye-laws of Kanyakumari District Central Co-operative Bank as approved by the Government in its G.O. Ms. No. 229 Co-operation Food and Consumer Protection (CC1) Department dated 31.05.2004 and declare the Special Bye-law approved by 1st respondent in its order G.O. Ms. No. 237 Co-operation Food and Consumer Protection (CC1) Department dated 31.05.2004 as arbitrary, illegal, violative of Article 14, 19 (1) g of Constitution of India and ultra vires of the provisions of the Tamil Nadu Co-operative Societies Act, 1983.

2. Mr. S. Anbazhagan for M/s.D.Geetha, appearing for the petitioners in W.P. Nos.34346 & 39464/2004, Mr. N.V.R. Prasad for M/s.R.Rajaram in W.P. No. 35860/2004 and Ms. T.P. Savitha, Government Advocate representing respondents 1, 2 & 4 in all the Writ petitions, Mr. R. Parthiban for the 3rd respondent in W.P. Nos.34346 & 35860/2004 and Mr. S.M. Subramaniam for the 3rd respondent in W.P. No.39464/2004 jointly made a statement that the prayer in the writ petition has become infructuous, since similar and identical batch of writ petitions have been dismissed by this Court in batch of W.P. Nos.22679/2004 etc. by order dated 04.03.2015. Paragraph 32 of the order states as follows :-

" 32. Therefore, in fine I am of the considered view that all the Special Bye-laws to which the petitioners have taken objection, could be divided into two categories namely :

- (a) those Bye-laws which are in tune with the various sub-rules of Rule 149 and
- (b) those Bye-laws which are not strictly born out of the sub-rules of Rule 149.

In respect of the Bye-laws falling under the first category, the petitioners cannot maintain a challenge. In respect of the second category, the petitioners can only make representations to the Government. "

3. In view of the above, when all those writ petitions were dismissed, nothing survives in these writ petitions and hence these writ petitions are also dismissed as infructuous. However, it is open to the writ petitioners to make representations to the Government in respect of any specific Bye-law or Bye-laws, which are not in tune with Sections 77 to 79 of the Act or Rule 149 of the Rules. No order as to costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

avr
To

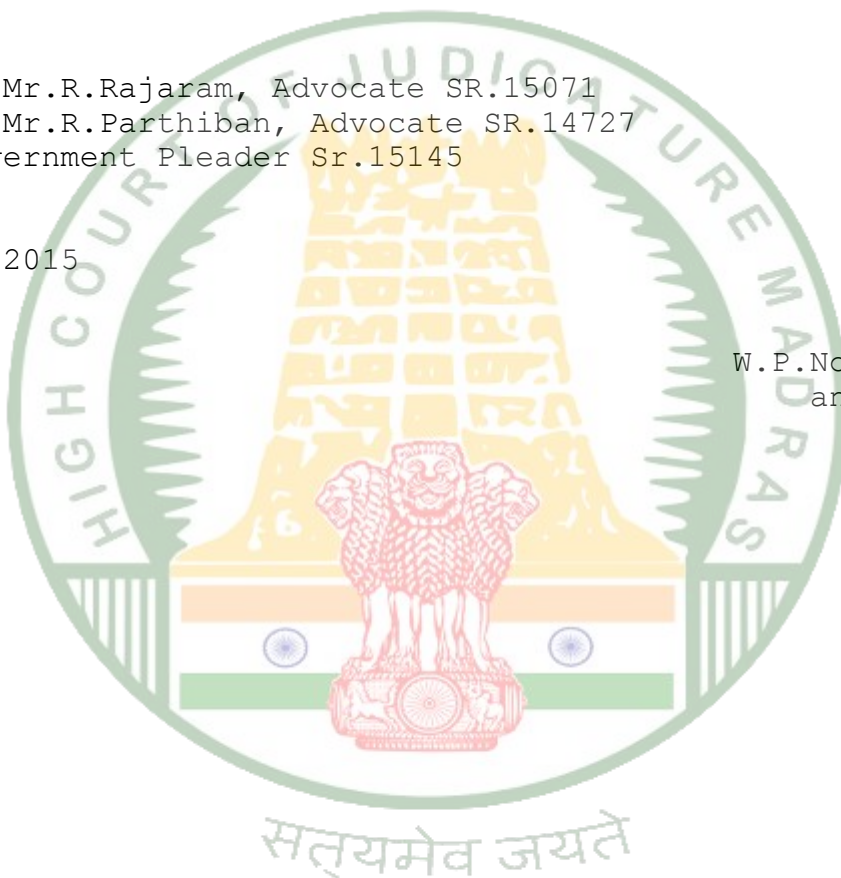
1. The Secretary to Government
Co-operation Food and Consumer
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Government of Tamil Nadu
Fort St. George
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2. The Registrar of Co-operative Societies
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7. Deputy Registrar of Co-operative Societies
Nagercoil Region
Nagercoil - 600 001.

+ 1 cc to Mr.R.Rajaram, Advocate SR.15071
+ 1 cc to Mr.R.Parthiban, Advocate SR.14727
+ 1 cc Government Pleader Sr.15145

RSI (CO)
EU 12.05.2015

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