



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :16.09.2015

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THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P(MD) .No.14347 of 2015

C.J.Bennet Charles

... Petitioner

Vs.

1.The Registrar of Societies,
Co-operative Societies,
Chennai.

2.The Joint Registrar,
Co-operative Societies,
Thangam Nivas,
Vethantham Street,
Nagercoil.

3.The Deputy Registrar,
Co-operative Societies,
Thuckalai Region.

4.The Secretary,
Sarur Primary Agriculture,
Co-operative Bank ltd.,
No.Y, 257 Sarrur,
Moovathumugam Post,
Kanyakumari District.

5.The President,
Sarur Primary Agriculture,
Co-operative Bank Ltd.,
No.Y, 257, Sarrur,
Moovathumugam Post,
Kanyakumari District.

... Respondents

This Writ Petition has been filed under Article 226 of Constitution of India praying for a Writ of Mandamus, directing the respondents to consider the representation, dated 13.06.2015 and take appropriate action against the 5th Respondent to remove the post of the President, Sarur Primary Agriculture Co-operative Bank Ltd., No.Y.257, Sarur Moovathumugam Post, Kanyakumari District.

For Petitioner : Mr.H.Velavadas

For R1 to R3 : Mr.K.Guru

Addl. Govt. Pleader

For R4 & R5 : No appearance

ORDER

The Writ Petition has been filed praying for a Writ of Mandamus, directing the respondents to consider the representation, dated 13.06.2015 and take appropriate action against the 5th Respondent to remove him from the post of the President, Sarur Primary Agriculture Co-operative Bank Ltd., No.Y.257, Sarur Moovathumugam Post, Kanyakumari District.

2. Mr.K.Guru, learned Additional Government Pleader, takes notice for the respondents 1 to 3.

3. By consent, this Writ Petition itself is taken up for final disposal.

4. In the affidavit filed in support of the Writ Petition, it has been averred that the petitioner is one of the member in the fourth respondent Society. His membership is No.1738. He renewed his membership periodically. The fifth respondent is elected as President of the Society. The said Co-operative Bank was controlled by the fourth respondent and he is the authority to receive the application. The petitioner and all the members were given the membership application in Form No.16 and their names were also there in the register. In the application form, in Column No.5(a) it is mentioned as "occupation" and (b) it is mentioned as "Annual income". The occupation of the fifth respondent was mentioned as "farmer", but he was running a Bank bearing license No.2/2006-7 under the name and style of Finance Company as "S.M.Bankers" situated at CKN buildings, near Thiruvattar Bus Stand, Kanyakumari District. The fifth respondent was also elected as the Secretary and the above said posting was not informed in his membership application. This was a violation of Section 23, Clause (c) and Section (1) of the Tamil Nadu Co-operative Societies Act. Hence, the petitioner made a representation in this regard to all other respondents. But the respondents has not taken any action. Therefore, the petitioner has filed this present writ petition for the above stated relief.

5. Though the notice was sent to the respondents 4 and 5 and they received notice and their names were also printed in the cause list, they have not chosen to appear before this Court either in person or through counsel.

6. Considering the facts of the case, the third respondent is directed to consider the representation of the petitioner, dated 13.06.2015 by affording an opportunity of hearing to the respondents 4 and 5 and all other necessary parties and pass appropriate orders within a period of six weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any opinion with regard to the merit of the allegations made by the petitioner, it is for the first respondent to decide the matter purely on merits.



7. With the above direction, the Writ Petition is disposed of.
No Costs.

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Sd/-
Assistant Registrar (AS)

/True Copy/

Sub-Assistant Registrar

To

1.The Registrar of Societies,
Co-operative Societies,
Chennai.

2.The Joint Registrar,
Co-operative Societies,
Thangam Nivas,
Vethantham Street,
Nagercoil.

3.The Deputy Registrar,
Co-operative Societies,
Thuckalai Region.

+One cc to Mr.H.Velavadhas, Advocate, SR.No.55009

+One cc to The Special Government Pleader, SR.No.55217

am

RL/6 c- 30/9/2015

W.P(MD) .No.14347 of 2015

16.09.2015