IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.04.2016

Coram

The Hon'ble Mr.Justice T.S.SIVAGNANAM

Writ Petition No.12803 of 2016

M.Munisamy Chief Promoter
S/o.Manickam Atchaya Surabi Credit
Co-operative Society Ltd. MSCS No.7 Upstair
8th East Main Road Gandhi Nagar Katpadi
Vellore-632 006. ...Petitioner

Vs.

1 The Registrar
Office of the Registrar of Co-op Society No.
170 EVR Periyar Road N.V.Natarajan Maligai
Kilpauk Chennai.

2 The Addl. Registrar
(Finance & Banking) Office of the Registrar
of Co-op Society No.170 EVR Periyar Road
Kilpauk Chennai-10. ...Respondents

Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus directing the 1st respondent to issue the no objection certificate to the petitioner for registration of Atchaya Surabi Credit Co-Operative Society Limited before the office Central Registrar of Co-operative Societies New Delhi by considering the petitioners application dated 30.11.2015.

For Petitioner : Mr.L.Abraham
For Respondents : Mr.D.Venkatachalam,
Govt.Advocate

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O R D E R

Heard learned counsel for the petitioner and the learned counsel appearing for the respondents.

2. Petitioner claiming himself to be a Chief promoter of Atchaya Surabi Credit Co-operative Society seeks for issuance of a writ of Mandamus to direct the first respondent to give no

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objection certificate to enable the petitioner to approach the Central Registrar of Co-Operative Societies, New Delhi for registration of the said society. In this regard petition has applied for grant of no objection certificate by application dated 30.11.2015.

3. Learned counsel for the petitioner submitted by referring to the notification issued by the Government of India, Ministry of Agriculture, Department of Agriculture and Co-operation (Office of the Central Registrar of Cooperative Societies) dated 22.07.2015, that the application for no objection certificate should be disposed of with 45 days from the date of receipt of application from the Society in the office of the Registrar of Cooperative Societies of the respective States and Union Territories. The operative portion of the notification issued by the Government of India reads as follows:

> 3. As this Department is receiving a number of representations stating that RCSs of States/UTs are not taking decision in a time bound manner regarding issuance of "NOC", the matter has been reviewed in this Department and to ensure expeditious disposal of the applications of the multi-State cooperative societies, it has been decided that the concerned Registrar of Cooperative Societies of States/UTs may take action and dispose the application within 45 days from the date of receipt of application from the society in your office.
>
> This issues with the approval of Central Registrar of Cooperative Societies. "

It is therefore submitted that the first respondent has to take note of the notification and pass order within the said time.

4. Learned Government Advocate accepting notice on behalf of the first respondent submitted that the application will be considered on merits and in accordance with law and sufficient time may be granted to the first respondent to pass orders.

5. In the light of the above, there will be a direction to the first respondent to consider the petitioner's application/representation dated 30.11.2015 and pass orders on merits and in accordance with law within a period of 45 days from the date of receipt of a copy of this order.

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6. Accordingly, the writ petition is disposed of. No costs.

s/d-
Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

To

1 The Registrar
Office of the Registrar of Co-op Society No.
170 EVR Periyar Road N.V.Natarajan Maligai
Kilpauk Chennai.

2 The Addl. Registrar
(Finance & Banking) Office of the Registrar
of Co-op Society No.170 EVR Periyar Road
Kilpauk Chennai-10.

+ 1 cc to Mr.I.Abraham,Advocate, SR 31607

+ 1 cc to Govt.Pleader, High Court, Madras SR 21839

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