

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 26.10.2016

CORAM

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

W.P. No.27470 of 2016

V.U.Kuppusamy, President,
Chennai Government and Government
Undertaking Employees Cooperative Societies,
96/6, 4th Main Road, Thirupathi Nagar,
Kolathur, Chennai - 600 009. ... Petitioner

Vs.

- 1.The Deputy Registrar (Credit),
Kuralagam, II Floor,
Chennai - 600 108.
- 2.The Managing Director,
Chennai Central Cooperative Bank,
Prakasam Salai, Chennai - 600 001.
- 3.The Branch Manager,
Chennai Central Cooperative Bank,
Big Street, Triplicane,
Chennai - 600 005. ... Respondents

PRAYER : Writ Petition has been filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the first and second respondents to consider and pass orders on the representation dated 22.07.2016 seeking operation of Bank Accounts without insisting on fresh Resolution so as to enable its members to avail educational loan, etc. and other financial assistance.

For Petitioner : Mr.L.Chandrakumar

For Respondent No.1 : Mr.V.Selvaraj
Additional Government Pleader
(Cooperative)

For Respondent Nos.
2 & 3: Mr.R.Balaramesh

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O R D E R

The petitioner is the elected President of the petitioner's Society. There are 7000 persons, who are members of the petitioner's Society. The Society is managed by 11 elected Board of Directors. The petitioner's Society is having 8 accounts and one such account is with Andhra Bank and 7 accounts are with the respondents 2 and 3 / Bank. For operating the said account, two Board of Directors have to be authorised by the petitioner's Society and based on the Resolution, the Bank would permit the said authorised persons to operate the account. Since the Secretary was suspended and there was a misunderstanding between the Directors, the Resolution could not be passed and therefore, the petitioner has given a representation to the respondents 2 and 3 on 22.07.2016 seeking permission to operate the Bank Accounts without insisting on fresh Resolution. Since the said representation has not been considered, the petitioner has come before this Court.

2.Heard, Mr.L.Chandrakumar, learned counsel appearing for the petitioner, Mr.V.Selvaraj, learned Additional Government Pleader (Cooperative) appearing for the first respondent and Mr.R.Balaramesh, learned counsel appearing for the respondents 2 and 3.

3.Though the prayer sought for is to permit the petitioner to operate the Bank Accounts without insisting on fresh Resolution, the Resolution dated 26.09.2016 has been passed subsequently and a copy of the same has been produced before this Court. The Resolution reads as follows:

"Resolved to authorize to operate the Bank Accounts of the Chennai Govt. & Govt. Undertakings Employees Coop. Society Ltd, with the Andhra Bank, (TPB) C.C.Bank. (H.O.) and other Branches noted in the subject jointly by following officials. 1.Secretary and Vice President of the Society with effect from 26.09.2016 forenoon."

4.From the above, it is clear that the Resolution has also been passed authorising the Secretary and the Vice President of the Society to operate the Bank Accounts. Therefore, the prayer sought for has become infructuous. However, the interest of justice requires a direction to the respondents 3 and 4 to act upon the Resolution dated 26.09.2016 by permitting the Secretary and Vice President of the petitioner's Society to operate its Bank Accounts.

5.With the above directions, the Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

sri

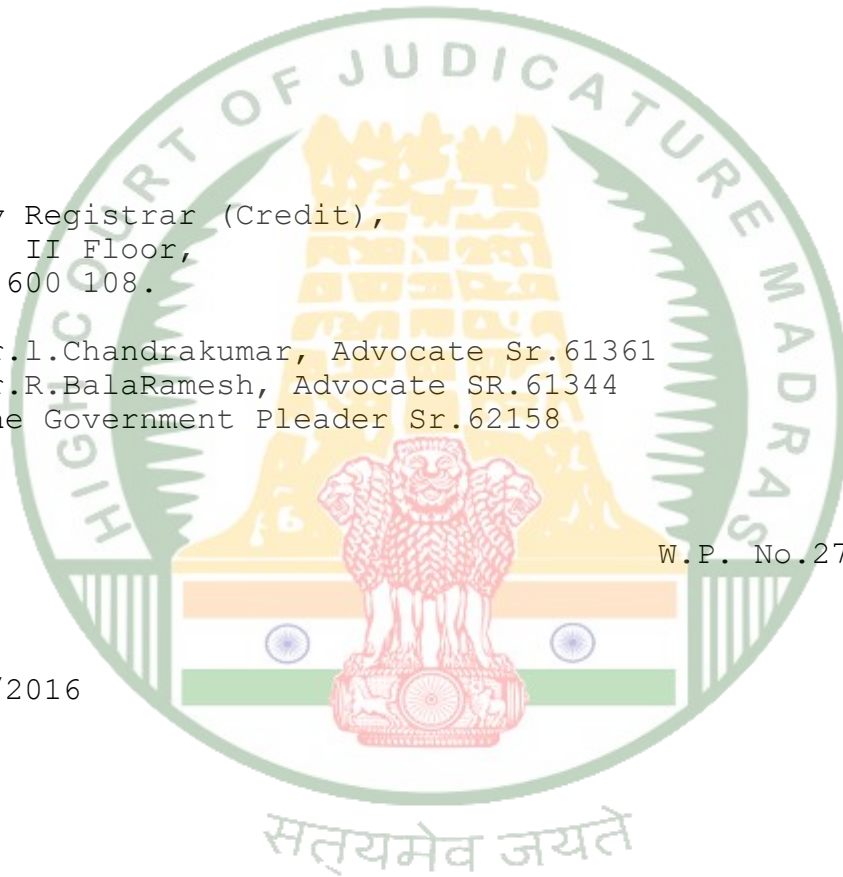
To

The Deputy Registrar (Credit),
Kuralagam, II Floor,
Chennai - 600 108.

+1cc to Mr.l.Chandrakumar, Advocate Sr.61361
+1cc to Mr.R.BalaRamesh, Advocate SR.61344
+1cc to the Government Pleader Sr.62158

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