

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.08.2016

CORAM

THE HONOURABLE MR.JUSTICE N. KIRUBAKARAN

W.P.No.29062 of 2016

&WMP No.25120 of 2016

A. Liakat Ali ... Petitioner

. Vs .

1. Deputy Registrar of Co-operative Societies
Coimbatore Circle
Collector Office Campus
Coimbatore.
2. Mettupalayam Co-operative Urban Bank,
Rep: by its Managing Director,
Ooty Main Road,
Mettupalayam,
Coimbatore District.
3. The President,
Mettupalayam Co-operative Urban Bank,
Ooty Main road,
Mettupalayam,
Coimbatore District. ... Respondents.

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 3rd Respondent to dispose the petitioners representation dt.02/08/2016 which is now currently pending before the 3rd Respondent in a time bound manner.

For Petitioner : Mr.S. Rajmakesh
For Respondents 1 to 3 : Mr. A. Rajaperumal
Government Advocate (co-op)

O R D E R

The petitioner, who is said to be the member of the second respondent Bank is aggrieved over a resolution, which is said to be passed reducing the educational qualification of the employees to be recruited to the bank. Only in the General Body Meeting, the resolution would be passed. The petitioner being a member is at liberty to oppose it along with other persons, who feel that the resolution is detrimental to the interest of the Bank. When a remedy is available and he has the right to oppose the resolution at the time of passing the same itself. Hence he cannot inherent by invoking this Court jurisdiction under Article 226 Constitution of India to prevent the sponsors of the said resolution to move in the General Body at the threshold itself.

2. Assuming for a moment, even if the resolution is passed, it will not be given effect immediately and it should be approved by the competent authority constituted under the Act. Thereafter also, there are remedies provided under the Act and without availing those opportunities, the petitioner cannot invoke this Court, the writ petition is not maintainable and the same is dismissed. No costs. Consequently, connected Miscellaneous petition is closed.

Sd/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

kp/sri

To

1. Deputy Registrar of Co-operative Societies
Coimbatore Circle
Collector Office Campus
Coimbatore.
2. The Managing Director
Mettupalayam Co-operative Urban Bank,
Ooty Main Road,
Mettupalayam,
Coimbatore District.

3. The President,
Mettupalayam Co-operative Urban Bank,
Ooty Main road,
Mettupalayam,
Coimbatore District.

+1 CC to Mr. S. Rajmakesh, Advocate Sr.No.

+1 CC to Mr. A. Raja Perumal, Advocate Sr.No.47751

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GJ II (CO)
MD : 15/09/2016



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