

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.06.2017

CORAM :

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

W.P. No. 7134 of 2017

S. Aravindan

..Petitioner

Vs.

1. The District Collector
Vellore District
Vellore - 9.
2. The Registrar of Cooperative societies,
No.170 EVR Periyar Road
Kilpauk, Chennai - 10.
3. The Joint Registrar
Collector Office Campus
Vellore -9.
4. The Deputy Registrar
Co-operative Society
Vellore District, Vellore.
5. The General Manager
District Industrial Centre
Kangeyanallur Road
Gandhi Nagar
Vellore - 6.
6. The Commissioner of Industries
No.36, South Canal Bank Road
Mandavelipakkam, RA Puram
Chennai - 28.
7. Mr. Saravanan
The Secretary
North Arcot Small Printers Service
Industrial Co-operative Society Ltd.,
No.41, Jalagandeeswaraa
(East Side) Fort,
Vellore - 632 004.

8. Mr. Raj
The President
North Arcot Small Printers Service
Industrial Co-operative Society Ltd.,
No.41, Jalagandeeswaraa
(East Side) Fort,
Vellore - 632 004.

9. Mr. Mahendran
Accountant
North Arcot Small Printers Service
Industrial Co-operative Society Ltd.,
No.41, Jalagandeeswaraa
(East Side) Fort,
Vellore - 632 004.

10. Mr. Ekambaram
Assistant Director
District Industrial Centre
Kangeyanallur Road
Gandhi Nagar
Vellore - 6.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the 1 to 6th respondents to take action against the 7th to 10th respondents to release the NAPCO Thrift deposit and dividend payable to the petitioner, based on the petitioner's representation dated 17.03.2016 and pass further orders.

For Petitioner : Mr. M. Rajendiran

For Respondents : Mr. T. Girija,
Govt. Advocate for R1 to R6

सत्यमेव जयते
Mr. K. Rajendran for R7 to R10

O R D E R

The petitioner has filed the present writ petition seeking to direct the 1 to 6th respondents to take action against the 7th to 10th respondents to release the NAPCO Thrift deposit and dividend payable to the petitioner, based on the petitioner's representation dated 17.03.2016.

2. Learned counsel for the petitioner submitted that the petitioner is a member of North Arcot Small Printers' Service Industrial Co-operative Society Ltd., (NAPCO) from the year 2006 and is running a printing press. The printing orders

received by NAPCO, in turn is provided to its members of the Society. The dividends granted to its members were not granted from 2001. According to the petitioner, subsequent to the resolution passed in the Special General Body held on 01.09.2012, a cheque was prepared for Rs.40,000/- towards dividend, in favour of the petitioner but the amount has been withdrawn by the 7th respondent. Since the petitioner made a complaint to enquire about the unpaid dividend, NAPCO stopped providing government printing works to the petitioner. Hence, the petitioner made a representation on 17.03.2016 to the 1st respondent, against the respondents 7 to 10. Since no action is taken, the present writ petition has been filed before this Court.

3. Learned Government Advocate appearing for respondents 1 to 6 would submit that this writ petition is not maintainable, in the light of the decision rendered by the large Bench judgment of this Hon'ble Court in the case of K.Marappan v. Deputy Registrar of Cooperative Societies, (2006) 4 MLJ 641; He further submitted that the petitioner has submitted his representation only to the 1st respondent/ the District Collector but the appropriate authority is the 5th respondent. Therefore, the writ petition is not maintainable and is liable to be dismissed. Learned Government Advocate would further submit that the Government have conferred powers of the Registrar under Section 3 of the Tamil Nadu Cooperative Societies Act, to the Director of Industries and Commerce, who is the functional Registrar for Industrial Cooperatives, vide G.O. Ms. No. 8 Industries (SID.1) dated 08.01.1992. Hence, it is made clear that the 5th respondent is the competent authority to consider the complaint made by the petitioner.

4. Considered the rival submissions of the learned counsel for the petitioner, the learned Government Advocate for the respondents 1 to 6 and the learned counsel for the respondents 7 to 10.

5. As rightly pointed out by the learned Government Advocate, since the petitioner has not made any representation to the competent authority, namely, the 5th respondent, in the light of the decision rendered by the Full Bench judgment of this Hon'ble Court in the case of K.Marappan, the writ petition is not maintainable. However, it is open to the petitioner to approach the 5th respondent, to raise his grievance. If such representation is received from the petitioner, the 5th respondent shall consider the same, on merits and in accordance with law.

6. The writ petition is dismissed, on the above terms. No costs.

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

avr

To

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Mandavelipakkam, RA Puram
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+1cc to Government Pleader sr.43800
+1cc to Mr.K.Rajendran,Advocate sr.43622
+1cc to Mr.M.Rajendran,Advocate sr.43844

W.P. No. 7134 of 2017

kk(co)
ss(17/8/2017)