

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.04.2017

CORAM :

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

W.P. No. 8580 of 2017

S.Jayaganthan

..Petitioner

Vs.

1. The Registrar
State Co-Operative Society Registrar Office,
N.V.N. Maaligai, E.V. Ramasamy Salai,
Kilpauk, Chennai - 600 010.

2 Regional Joint Registrar
Thiruvannamalai Region,
Thiruvannamalai.

3 Secretary
HH506 Nayambadi Primary Agriculture
Co-Operative Loan Society, Nayambadi Village,
Kallaraipadi Post, Chengam Taluk,
Tiruvannamalai District.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the 2nd respondent to conduct enquiry and dispose of the petitioner's representation dated 03.12.2016 as per section 90 of Tamil Nadu Co-Operative Societies Act within the time stipulated by this Hon'ble Court and to order any other remedy.

For Petitioner : Ms. S.Thamizharasi

For RR 1 & 2 : Mr.V.Selvaraj, Addl.G.P

For 3rd Respondent: Mr.L.P.Shanmugasundaram, Spl.G.P

O R D E R

Heard Ms. S.Thamizharasi, learned counsel appearing for the petitioner, Mr. V.Selvaraj, Additional Government Pleader, appearing on behalf of the respondents 1 and 2 and Mr.L.P.Shanmugasundaram, Special Government Pleader appearing on behalf of the 3rd respondent.

2. By consent, the writ petition itself is taken up for final hearing, in view of the limited prayer.

3. The petitioner has come up with the present writ petition praying to direct the second respondent to conduct enquiry and dispose of the petitioner's representation dated 03.12.2016 as per Section 90 of Tamil Nadu Co-operative Societies Act within the time frame that may be fixed by this Court.

4. Learned counsel for the petitioner submitted that the petitioner is a member of the 3rd respondent Society. The same was constituted under Tamil Nadu Co-operative Societies Act. The 3rd respondent society is functioning without proper quorum and also inadequate representation from SC Member. The 3rd respondent society is not functioning for the welfare of its member. Hence, the petitioner sent a representation dated 03.12.2016 to 1st respondent stating all the above facts, more particularly, the function of Board with only 5 Directors, among one is President, without proper quorum is in violation of Tamil Nadu Co-operative Societies Act. For the said representation, the petitioner had received a reply letter dated 27.12.2016 from the 1st respondent showing that petitioner's representation was forwarded to 2nd respondent for taking appropriate further course action. In spite of this, the 2nd respondent had not taken any steps to conduct inquiry or settle the dispute as per Section 90 of the said Act. Hence, the petitioner has come up with this Writ Petition.

5. On instructions, the learned Additional Government Pleader would submit that if the said representation dated 03.12.2016 of the petitioner is forwarded to the Deputy Registrar by conducting the enquiry under the provisions of Tamil Nadu Co-operative Societies Act and on the basis of the report from the Deputy Registrar, appropriate orders will be passed by R-2, in accordance with law. Further, the learned Additional Government Pleader would submit that the 1st respondent seeks two months time for passing the order.

6. In view of the above statement made by the learned Additional Government Pleader, the 2nd respondent is directed to consider the said representation of the petitioner, if it is in order, in accordance with law, and pass orders as expeditiously as possible, not later than two months from the date of receipt of a copy of this order.

7. The Writ Petition is disposed of on the above terms. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

jv

To

1. The Registrar
State Co-Operative Society Registrar Office,
N.V.N. Maaligai, E.V. Ramasamy Salai,
Kilpauk, Chennai - 600 010.
- 2 Regional Joint Registrar
Thiruvannamalai Region,
Thiruvannamalai.
- 3 Secretary
HH506 Nayambadi Primary Agriculture
Co-Operative Loan Society, Nayambadi Village,
Kallaraipadi Post, Chengam Taluk,
Tiruvannamalai District.

+1cc to M/s.S.Thamizharasi, Advocate, S.R.No.25278
+2cc to Mr.L.P.Shanmugasundaram, Advocate, S.R.No.26048 & 25626
+1cc to the Government Pleader, S.R.No.36517

सत्यमेव जयते

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MP (CO)
CS/24/05/17

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