

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.8.2017

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.20014 of 2010
and
M.P.No.2 and 3 of 2010

1.S.VIJAYAN

1/141 RANGAMMAL COLONY
NGGO COLONY POST
COIMBATORE-641 022.

2.R.THANGAVELU

5/275 AYYAPPAN KOIL ST
NAICKENPALAYAM POST
COIMBATORE-641 020.

3.T.MAHALAKSHMI

5/275 AYYAPPAN KOIL ST
NAICKENPALAYAM POST
COIMBATORE-641 020.

4.K.DEVARAJ

36/13A VENKATACHALAPATHY NAGAR
NAICKENPALAYAM POST
COIMBATORE-641 022.

5.A.PONNUSWAMY

44 MELA THERU GUDALUR GOUNDAMPALAYAM
NAICKENPALAYAM POST COIMBATORE-641 020.

6.A.PALANISAMY

44 9A MELATHERU,
G.GOUNDAMPALAYAM NAICKENPALAYAM PO
COIMBATORE-641 020.

(MEMBERS OF THE G.GOUNDAMPALAYAM JAGGERY
PRODUCERS CO-OPERATIVE SOCIETY-K.1469)

... PETITIONERS

Vs.

1.THE DISTRICT COLLECTOR

COIMBATORE DISTRICT
COIMBATORE.

2.THE JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES,

COIMBATORE DISTRICT,
COIMBATORE.

3.THE COIMBATORE AGRICULTURAL PRODUCERS
CO-OPERATIVE MARKETING SOCIETY LTD.
NO.K-1948 TELUNGANAPALAYAM PIRIVU,
SIRUVANI MAIN ROAD,
COIMBATORE-641 039.

... RESPONDENTS

Prayer : Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorari, calling for the records in respect of the impugned order passed by the first respondent vide his proceedings in Ref.No.3326/2010/P9 dated 27.07.2010 and quash the same.

For Petitioner : Mr.R.Sureshkumar

For Respondents 1 & 2 : Mr.L.P.Shanmugasundaram,
Special Government Pleader

For Respondent No.3 : Mr.T.P.Prabakaran

O R D E R

The petitioner, member of the respondent Society has filed the present writ petition before this court challenging the impugned order passed by the first respondent in proceedings in Ref.No.3326/2010/P9 dated 27.07.2010. The petitioner has also obtained interim order before this Court. Now, the matter is coming up for final disposal. At this stage, counsel for the petitioner would submit that since the elected board of directors have assumed office, the elected body has to make a representation to the District Collector to reconsider the impugned order passed by the first respondent.

2. The learned Special Govt. Pleader appearing for the respondents 1 and 2 would submit that the writ petition is not maintainable since the elected body assumed office, if any grievance, the elected body only has to make representation before the District Collector.

3. Heard the learned counsel for the petitioner and the learned Special Government Pleader for the respondents 1 and 2 and the learned counsel for the respondent No.3 and perused the materials available on record.

4. In view of the submission made by the counsel for the parties and in view of the subsequent development namely, pending writ petition, elected board of directors have assumed office. Therefore, the writ petition filed by the members of the Society is not maintainable. It is open to the board of directors to make such representation to the District Collector within two weeks from the date of receipt of copy of the order and thereafter, the same shall be considered by the first

respondent on merit and in accordance with law and pass appropriate orders within a period of four weeks.

The writ petition is disposed of with the above directions. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar
vaan
To

- 1.THE DISTRICT COLLECTOR
COIMBATORE DISTRICT
COIMBATORE.
- 2.THE JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES,
COIMBATORE DISTRICT,
COIMBATORE.
- 3.THE COIMBATORE AGRICULTURAL PRODUCERS
CO-OPERATIVE MARKETING SOCIETY LTD.
NO.K-1948 TELUNGANAPALAYAM PIRIVU,
SIRUVANI MAIN ROAD,
COIMBATORE-641 039.

+1cc to Mr.V.Balaji, Advocate, S.R.No.62025(08.11.2017)

W.P.No.20014 of 2010
and
M.P.No.2 and 3 of 2010

CS V
CA(08/09/2017)

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