

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date of Reserving Order 20.09.2017	Date of Pronouncing Order .12.2017
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CORAM:

THE HON'BLE MR. JUSTICE D. KRISHNAKUMAR

W.P. No.22780 of 2017

S.Malathi

...Petitioner

(As per order of this Court dated 21.08.2017 made in WMP.No. 23100 of 2017 in W.P.SR.No.83811 of 2017, the Writ Petition is restricted only to this petitioner)

Vs.

- 1 The Registrar of Cooperative Societies
Kilpauk, Chennai-10
- 2 The Joint Registrar of Cooperative Societies
Cuddalore Region, Cuddalore
Cuddalore District.
- 3 The Deputy Registrar of Cooperative Societies
Chidambaram Circle
Chidambaram, Cuddalore District.
- 4 S.Illanselvi
Joint Registrar of Cooperative Societies
Cuddalore Region, Cuddalore
Cuddalore District.
- 5 K.Jaganmohan
Deputy Registrar of Cooperative Societies
Chidambaram Circle, Chidambaram
Cuddalore District.
- 6 Rajamanickam
Cooperative Sub Registrar
O/o. Deputy Registrar of Cooperative Societies
Chidambaram Circle, Cuddalore District.
- 7 The President
E.2676 Pitchavaram Primary Agricultural
Cooperative Credit Society Ltd,

Pitchavaram, Chidambaram Taluk,
Cuddalore District.

...Respondents

Writ Petition is filed under Article 226 of the Constitution of India to praying to issue a Writ of Mandamus directing the first respondent to consider and pass orders on merits by disposing the written representation made by the petitioner on 20.07.2017 within a stipulated time as this Honourable Court fixes.

For petitioner : Mr.C.Prakasam

For R 1 to R 3 & R7 : Mr.L.P.Shanmugasundaram
Special Government Pleader
R4 - given up

ORDER

This Writ Petition is filed seeking a Writ of Mandamus directing the first respondent to consider and pass orders on merits by disposing the written representation made by the petitioner on 20.07.2017 within the time stipulated by this Court.

2. The brief facts of the case of the petitioner is as follows:-

The petitioner was elected as one of the Board of Directors of E.2676 Pitchavaram Primary Agricultural Cooperative Credit Society Ltd., Pitchavaram, Chidambaram Taluk, Cuddalore District in the year 2013 and the 7th respondent was elected as President of the said society. After assuming charge as President, the 7th respondent has not convened the Meeting of Board of Directors, but mismanaged the society and misappropriated the funds of society to the tune of Rs.2,00,000/-. Hence, the petitioner along with other directors made written representation to the respondents 2 and 3 on 02.08.2016 for bringing 'no confidence motion', but the respondents 4 to 6 colluded with the 7th respondent, wantonly and deliberately convene the meeting with belated time and hence, this Court granted stay in the Writ Petition filed by the 7th respondent and therefore, the 7th respondent continues the post of President and he also continues his mismanagement and misappropriation of funds of the society, that too without convening the meeting of Board of Directors, but he passed resolution along with two other Directors which is not at all legally valid, since there is no quorum for convening the meeting of Board of Directors. Hence, the petitioner and other directors jointly made written representation On 09.11.2016 before the first respondent, who in turn sent communication to the second respondent for taking legal action on the basis of the petitioner's complaint. As no action was

taken by the second respondent, the petitioner once again made written representation on 20.07.2017 before the first respondent to take action against the respondents 4 to 7. Since no action was taken by the first respondent till date, the petitioner is before this Court with this Writ Petition.

3. Heard the learned counsel for the petitioner and the learned counsel for the respondents 1 to 3.

4. Considering the limited scope of the prayer sought for by the petitioner and also the fact that related Writ Petition in W.P.No.30202 of 2016 is also disposed today, this Court directs the first respondent to consider the representation of the petitioner dated 20.07.2017 and pass appropriate orders, on merits and in accordance with law, by affording an opportunity of personal hearing to the petitioner as well as to the necessary parties, if any, within a period of eight weeks from the date of receipt of a copy of this order. It is made clear that this Court is not expressing any opinion with regard to the claim made by the petitioner and it is for the first respondent to consider the claim of the petitioner strictly on merits and in accordance with law.

5. With the above direction, the writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

mra

To

- 1.The Registrar of Cooperative Societies
Kilpauk, Chennai-10
- 2.The Joint Registrar of Cooperative Societies
Cuddalore Region, Cuddalore
Cuddalore District.
- 3.The Deputy Registrar of Cooperative Societies
Chidambaram Circle
Chidambaram, Cuddalore District.

4.Mrs.S.Illanselvi

Joint Registrar of Cooperative Societies
Cuddalore Region, Cuddalore
Cuddalore District.

5.Mr.K.Jaganmohan

Deputy Registrar of Cooperative Societies
Chidambaram Circle, Chidambaram
Cuddalore District.

6.Mr.Rajamanickam

Cooperative Sub Registrar
O/o. Deputy Registrar of Cooperative Societies
Chidambaram Circle, Cuddalore District.

7.The President

E.2676 Pitchavaram Primary Agricultural
Cooperative Credit Society Ltd,
Pitchavaram, Chidambaram Taluk,
Cuddalore District.

+1cc to Government Pleader, S.R.No.309

+1cc to Government Pleader, S.R.No.82

+1cc to Mr.L.P.Shanmuga Sundaram, Advocate, S.R.No.10

W.P. No.22780 of 2017

pvs (CO)
sk(03/02/2018)

सत्यमेव जयते

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