

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.07.2017

CORAM :

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

W.P. No. 24905 of 2014
and
M.P.No.1 of 2014

K. Kalyanam

..Petitioner

Vs.

- 1.The Registrar of Co-operative Societies
O/o.Registrar of Co-operative Societies
Off. Poonthamalli High Road
Kilpauk, Chennai-10
2. The Deputy Registrar of Co-operative Societies
O/o Deputy Registrar of Co-operative Societies
Deen Plaza (First Floor),
Town Extension, Mayiladuturai
Nagapattinam District.
3. Muthukumarasamy .. Respondents

PRAYER: This Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus, directing respondents 1 and 2 to consider the representation of the petitioner dated 25.8.2014 and take suitable action against 3rd respondent for his formal removal from the post of President, Board of Directors, of ZB 63, Kondal Primary Agricultural Co-operative Credit Society, Valluvakudi Post, Sirkali Taluk, Nagapattinam District and pass such further orders.

For Petitioner : Mr. S.Sounthar

For Respondents : Mrs. T.Girija
Government Advocate for R1 & R2
Mr. C. Munusamy for R3

O R D E R

The petitioner has filed this writ petition seeking to direct the respondents 1 and 2 to consider the representation of the petitioner dated 25.8.2014 and take suitable action

against 3rd respondent for his formal removal from the post of President, Board of Directors, of ZB 63, Kondal Primary Agricultural Co-operative Credit Society, Valluvakudi Post, Sirkali Taluk, Nagapattinam District.

2. Learned counsel for the petitioner submitted that the petitioner is the Secretary of the petitioner Society and the 3rd respondent is functioning as a President of the Society. Whiles, the 3rd respondent obtained short term crop loan of Rs.80,787/- from the Society on 05.09.2013. Since he did not repay the loan, demand notice dated 26.05.2014 was sent to him. But, even after that he did not make any payments. The 3rd respondent also stood as a guarantor for another member K. Rajagopal, who has also committed the same default. According to the petitioner, as per the provisions laid down in Section 34 (1) and (2) of the Tamil Nadu Co-operative Societies Act, due to the default committed by the 3rd respondent, he ceases to be a member of the Board and he is not entitled to function as a President. Although the disqualification of the 3rd respondent was brought to the notice of the respondents 1 and 2, who are the supervisory authorities, by the petitioner in his representation dated 25.08.2014. However, due to the inaction by the respondents 1 and 2, the 3rd respondent still continues to function as a President. It is the submission of the petitioner that the 3rd respondent has issued a suspension order against the petitioner, on coming to know about the representation given by the petitioner. Aggrieved by the above, the petitioner has filed the present writ petition seeking the aforesaid prayer.

3. Counter affidavits have been filed by the respondents 2 and 3. Learned counsel appearing for the 2nd respondent would submit that based on the representation of the petitioner, he has initiated necessary action against the 3rd respondent as per Section 34(6) of the Tamil Nadu Co-operative Societies Act, 1983. It is further submitted that the petitioner has chosen to report about the disqualification of the 3rd respondent only subsequent to the suspension order issued by the President on 23.08.2014 for the serious financial malpractices committed by the petitioner. Hence, the petitioner also has no locus standi to file the present writ petition in the affairs of administration of the Society, when the suspension order is pending against him. Hence, the writ petition is liable to be dismissed.

4. Heard the rival submissions made by the learned counsel for the parties and perused the material on record.

5. Considering the prayer in the writ petition, which is for a limited scope and in view of the submissions made by the learned counsel for the respondents that on the

basis of the representation of the petitioner dated 25.08.2014, the 2nd respondent has initiated necessary action against the 3rd respondent, under Section 34(6) of the Tamil Nadu Co-operative Societies Act, 1983, this Court is of the view that nothing further survives for adjudication in this Writ Petition.

6. Therefore, the Writ Petition is dismissed. Consequently, the connected M.P is closed. No costs.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

avr

To

- 1.The Registrar of Co-operative Societies
O/o Registrar of Co-operative Societies
off: Poonthamalli High Road
Kilpauk, Chennai-10
2. The Deputy Registrar of Co-operative Societies
O/o Deputy Registrar of Co-operative Societies
Deen Plaza (First Floor), Town Extension
Mayiladuturai, Nagapattinam District.

+1cc to Mr.C.Munusamy, Advocate, S.R.No.46376
+1cc to Mr.S.Sounthar, Advocate, S.R.No.46297
+1cc to the Government Pleader, S.R.No.46852

सत्यमेव जयते

W.P. No. 24905 of 2014
and
M.P. No.1 of 2014

WEB COPY

GN(07/09/2017)