

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.06.2017

CORAM

THE HON'BLE MR. JUSTICE D. KRISHNAKUMAR

WP.No.16537 of 2017 and
WMP.No.17893 of 2017

A.Theerthagiri,
President,
S-5558 Vadugapatti Primary Agricultural
Co-operative Bank Limited,
Vadugapatti Village
H.Echampadi Post,
Harur Talul,
Dharmapuri District. ...Petitioner

Vs.

1. The Registrar,
Tamil Nadu State Co-operative Society,
Registrar Office, EVR Salai,
Kilpauk, Chennai.
2. The Deputy Registrar,
Dharmapuri District Co-operative Society,
Dharmapuri.
3. The Joint Registrar,
Dharmapuri District Co-operative Society
Dharmapuri. ...Respondents

PRAYER:

The Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the second respondent to furnish the copy of the documents which have been sought for by the petitioner by considering the representation dated 04.05.2017 to enable the petitioner to submit the appropriate explanation to the show cause notice issued by the 2nd respondent in his proceeding Na.Ka.No.1939/2015/Sa.Pa dated 13.04.2017.

For Petitioner :Mr.A.Ilaya Perumal

For Respondents:Mr.V.Selvaraj
Additional Government Pleader

ORDER:

According to the learned counsel for the petitioner, the petitioner is the President in S-5558 Vadugapatti Primary Agricultural Cooperative bank Limited at Vadugapatti Village in Dharmapuri District. The petitioner and other 10 persons were elected as Board members of the above bank on 09.05.2013 and on the election, the petitioner was elected as the President of the said Society. The petitioner suspended one, K.Keelamegam who is the Assistant Secretary of the Society for committing misappropriation of funds through Society proceedings dated 13.03.2015. After this, some of the Board of Directors requested the petitioner to reinstate the above person in his post. Since, the petitioner denied their request, having vengeance, the above said Board members made representation to the second respondent for bringing no confidence motion against the petitioner. Therefore, the second respondent issued a notice to the petitioner on 05.04.2017. In reply, the petitioner, by representation dated 10.04.2017, in order to furnish explanation, requested the second respondent to furnish documents with regard to allegations made in the said notice. But, the petitioner has not received any reply from the second respondent. Thereafter, the petitioner was issued a notice on 24.04.2017 by the second respondent in Na.Ka.No.2468/2017/Sa.pa.2 dated 10.04.2017, wherein it had been stated that no confidence resolution was passed against the petitioner and one, Mr.R.Anandan was nominated to conduct the Special General Body meeting. Then, the petitioner filed a writ petition challenging the same in W.P.No.11425 of 2015 before this Court and the same is pending. Meanwhile, the second respondent has issued an another notice under Section 36 (1) of the Tamil Nadu Cooperative Societies Act, 1983, to the petitioner in Na.Ka.No.1939/2015/Sa.Pa. dated 13.04.2017 calling for explanation within 15 days for the alleged irregularities committed by the petitioner. It is pertinent to note that no further action has been taken in the said proceedings. Again, the petitioner made representation dated 04.05.2017 to the third respondent with a copy marked to the second respondent to furnish relevant documents pertaining to the show cause notice dated 13.04.2017 for submitting explanation. So far, the petitioner has not received any reply from the third respondent. Hence, the petitioner has filed this writ petition before this Court.

2. The learned Additional Government Pleader would submit that the said representation has been addressed to the third respondent only and the copy of the representation has been sent to the second respondent. However, the same shall be considered, if the above representation is pending, on merits and in accordance with law, .

3. In the light of the submissions made by the learned Additional Government Pleader, without going in to the merits of the case, this court is inclined to direct the second respondent to consider the petitioner's representation dated 04.05.2017 on merits and in accordance with law as expeditiously as possible, preferably within a period of four weeks from the date of receipt of a copy of this Order.

4. It is needless to say that the petitioner has to make a fresh representation to the second respondent along with this order copy within two weeks from today.

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

Sd/-
Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

To

1. The Registrar
Tamil Nadu State Co-operative Society,
Registrar Office, EVR Salai,
Kilpauk, Chennai.
2. The Deputy Registrar
Dharmapuri District Co-operative Society,
Dharmapuri.
3. The Joint Registrar
Dharmapuri District Co-operative Society
Dharmapuri.

+1cc to Government pleader sr.45962

+1cc to Mr.A.Ilayaperumal, Advocate sr.45546

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ss (5/7/2017)