

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.07.2017

CORAM

THE HON'BLE MR. JUSTICE D. KRISHNAKUMAR

W.P.No.16638 of 2017

1. T.Jayakumar

2. A.Cladson Joseph

3. G.Samuel

4. V.Duraibabu

5. S.Dayalan ..Petitioners

Vs.

1. Registrar of Cooperative Societies
(Housing) Vepery,
Chennai.

2. Deputy Registrar of Cooperative
Societies (Housing),
Gandhi Nagar West,
Vellore- 632 006.

3. Special Officer,
CMC Employees Cooperative
Housing Society Ltd,
C/o.Office of the Deputy Registrar of
Co-operative Societies (Housing),
Gandhi Nagar East,
Vellore- 632 006.

..Respondents

PRAYER:

The Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents to dispose of the petitioners' representation dated 22.10.2016 and to conduct election to the Board of Directors of the third respondent Cooperative Society before a date to be specified by this Hon'ble Court.

For Petitioners : Mr.P.Anbarasan
For Respondents : Mrs.T.Girija,
Government Advocate

ORDER:

According to the learned counsel for the petitioners, CMC Hospital is situated in Vellore and to provide residential accommodation for its 8000 employees, CMC Employees Cooperative Building Society Limited was formed in the year 1969. At first, a Cooperative Department Officer was managing the affairs of the Society as Special Officer. For some reasons, concerned department made a feeble attempt to liquidate the Society. Subsequently, a joint representation was made to the second respondent on 13.08.2012 by the employees. Further, the second petitioner herein made a specific representation on 23.08.2013. Thereupon, the second respondent in his letter dated 08.11.2013 informed that the affairs of the Society were ordered to be revived and that a Cooperative Sub Registrar had been appointed as its Special Officer who is now continuing to manage the affairs of the Society. The second petitioner also gave a representation on 26.05.2015 to the Election Commissioner, Tamil Nadu Cooperative Societies Election Commission, Chennai to arrange to conduct election to the Board of Management of the Society. Pursuant to that, the Election Commission forwarded the matter to the first respondent who is the competent authority to advise the Election Commission on conduction of election to a Cooperative Society. It is important to note here that several employees are in need of residential accommodation and 47 employees have remitted the share capital and been waiting for admission. As there is further scope for the successful running of the Society, the election of the Board of Management has to be arranged to conduct election for handing over the management to elected Board Members. Finally, on 22.10.2016, the second petitioner and others made a consolidated representation to the first respondent in the above matter. Though the first and respondent received this representation on 24.10.2016, no action has been initiated so far. Hence, the petitioners have filed this writ petition before this Court for the above said prayer.

2. The learned Government Advocate would submit that if the above representation dated 22.10.2016 is still pending, the same shall be considered in accordance with law.

3. In view of the submissions made by the counsels for the parties, without going in to the merits of the case, this court is inclined to direct the second respondent / the Deputy Registrar, reported to be the competent authority, to consider

the said representation dated 22.10.2016 after providing opportunities to the petitioners, on merits and in accordance with law as expeditiously as possibly and pass orders, preferably within a period of twelve weeks from the date of receipt of a copy of this Order.

4. The writ petition is disposed of with above observations. No costs.

s/d-
Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

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To

1. Registrar of Cooperative Societies
(Housing) Vepery,
Chennai.
2. Deputy Registrar of Cooperative
Societies (Housing),
Gandhi Nagar West,
Vellore- 632 006.
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+1 CC to Mr.P. Anbarasan, Advocate sr 45942
+1 CC to Mr.L.P. Shanmuga sundaram, Advocate sr 46194
+1 CC to Govt. Pleader sr 46577

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KGK(CO)
sp(18/07/2017)