

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.03.2017

CORAM:

THE HON'BLE MR. JUSTICE D. KRISHNAKUMAR

W.P. No.19120 of 2016 & W.M.P. No.16652 of 2016

K.G.Parthiban

Petitioner

vs.

1.The Registrar of Co-operative Societies
Kilpauk, Chennai 600 010.

2.The Joint Registrar of Co-operative Societies
Vellore Region
Vellore District.

3.The Deputy Registrar of Co-operative Societies
Thirupathur Circle
Thirupathur
Vellore District.

4.The Secretary
C-2518, Koodapattu Primary Agricultural Co-operative
Credit Society Ltd.,
Koodapattu
Rajapalayam Post
Thirupathur, Vellore District.

5.K.C.Raman.

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of Mandamus to direct the respondents 1 to 3 to entrust the operation of the accounts and cheque signing power to the 4th respondent Secretary alone in terms of Rule 146 of the Tamil Nadu Co-operative Societies Rule 1988 and Bye-Law 38 of the C-2518, Koodapattu Primary Agricultural Co-operative Credit Society Ltd., Koodapattu, Rajapalayam Post, Thirupathur, Vellore District and not to allow the 5th respondent to sign the cheques and other negotiable instruments.

For petitioners

For R1 to R4

For R5

Mr.S.Doraisamy

Mr.L.P.Shanmugasundaram

Special Government Pleader

No Appearance

ORDER

This petition has been filed seeking a writ of Mandamus to direct the respondents 1 to 3 to entrust the operation of the accounts and cheque signing power to the 4th respondent Secretary alone in terms of Rule 146 of the Tamil Nadu Co-operative Societies Rule 1988 and Bye-Law 38 of the C-2518, Koodapattu Primary Agricultural Co-operative Credit Society Ltd., Koodapattu, Rajapalayam Post, Thirupathur, Vellore District and not to allow the 5th respondent to sign the cheques and other negotiable instruments.

2. The learned counsel for the petitioner submitted that it would be relevant to refer Sub Rule 4(a) of Rule 146 of the Tamil Nadu Co-operative Societies Rules, 1988, which reads as follows:

"The Managing Director or the Chief Executive Officer shall have power to operate the accounts of the society, to endorse and transfer promissory notes, Government and other securities held by the society and to sign, endorse and negotiate cheques and other negotiable instruments, bonds (except bonds for moneys borrowed), receipt and all accounts and other documents connected with the business of the said society for and on behalf of the said society."

3. The learned counsel further submitted that as per Section 84 of the Tamil Nadu Co-operative Societies Act, the Chief Executive, who is the principal paid officer of the Society, shall be bound to keep and maintain accounts and books relating to that Society and he shall be responsible for proper maintenance of such accounts and books.

4. However, contrary to the aforesaid provisions of law, the President of the 5th respondent Board has signed the cheques and other negotiable instruments jointly along with the fourth respondent Secretary.

5. Under similar circumstances, this Court, by order dated 23.07.2015, in W.P.No.3865 of 2015 has directed the respondents 1 to 3 to entrust the operation of the accounts and cheque signing power to the fourth respondent Secretary therein, in terms of Rule 146 of the Rules.

6. In the light of the aforesaid order passed by this Court, the petitioner made a representation on 21.03.2016 to the Joint Registrar of Co-operative Societies/second respondent. The said

representation is still pending and no orders have been passed. The learned counsel for the petitioner submitted that it is suffice to direct the second respondent to pass appropriate orders in the light of the order passed by this Court in W.P.No.3865 of 2015.

7. The learned Special Government Pleader would submit that the said representation would be considered in accordance with law by considering the order passed by this Court in W.P.No.3865 of 2015.

8. In view of the submission made by the learned counsel for the parties, this Court directs the second respondent to consider the petitioner's representation dated 21.03.2016 in accordance with law and also taking into consideration the order of this Court in W.P.No.3865 of 2015 as expeditiously as possible, preferably within four weeks from the date of receipt of a copy of this order. In the mean time, the interim order granted by this Court on 07.06.2016 shall be in force.

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

Sd/-

Asst.Registrar (CCC)

/true copy/

Sub Asst. Registrar

To

1.The Registrar of Co-operative Societies
Kilpauk, Chennai 600 010.

2.The Joint Registrar of Co-operative Societies
Vellore Region
Vellore District.

3.The Deputy Registrar of Co-operative Societies
Thirupathur Circle
Thirupathur
Vellore District.

4.The Secretary
C-2518, Koodapattu Primary Agricultural Co-operative
Credit Society Ltd.,
Koodapattu
Rajapalayam Post
Thirupathur, Vellore District.

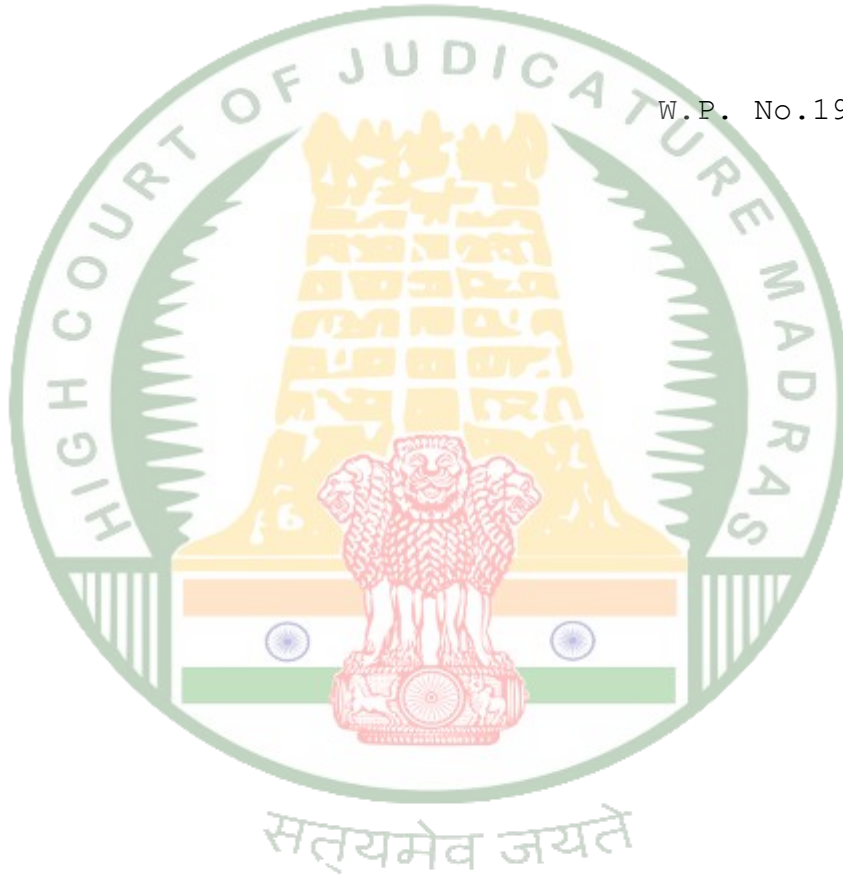
+1 cc to M/s.S.Doraisamy,advocate,sr.16170

+1 cc to M/s.L.P.Shanmugasundaram,advocate,sr.15981

+1 cc to Govt.Pleader,sr.16258.

rsk(co)
krd 21/4

W.P. No.19120 of 2016



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