

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.11.2017

CORAM

THE HONOURABLE MR.JUSTICE K. RAVICHANDRABAABU

W.P.No.28381 of 2017

S.Komalavalli

... Petitioner

vs.

1.The Registrar of Cooperative Societies (Housing)
Tamil Nadu Cooperative Housing Federation
No.48, Ritherdon Salai, Veppery,
Chennai-600 007.

2.VSNL Employees Cooperative Housing Society Ltd.,
Represented by its President
No.4, Swamy Sivananda Salai,
Chennai-600 002.

... Respondents

PRAYER:

Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the 1st respondent to dispose the Statutory Appeal filed U/s.152(2)(a) of Tamil Nadu Coop. Societies Act, 1983 by the petitioner on 21.10.2017 within a stipulated time.

For Petitioner : Mr.C.Prakasam

For Respondents: Mr.V.Selvaraj

Additional Government Pleader for R1

Mr.L.P.Shanmugasundaram for R2

Standing Counsel

O R D E R

Mr.V.Selvaraj, learned Additional Government Pleader, takes notice for the first respondent. Mr.L.P.Shanmugasundaram, learned standing counsel takes notice for the second respondent.

2. Heard Mr.C.Prakasam, learned counsel for the petitioner and Mr.V.Selvaraj, learned Additional Government Pleader appearing for the first respondent.

3. This writ petition is filed seeking for a direction to the first respondent to dispose of the Statutory Appeal preferred under Section 152(2)(a) of the Tamil Nadu Co-operative Societies Act, 1983 within a stipulated time as fixed by this Court.

4. The petitioner was removed from the membership of the second respondent Society through a proceedings dated 04.10.2017. The said proceedings was challenged by the petitioner by filing an appeal before the first respondent on 21.10.2017. Followed by filing the above appeal, the petitioner has also filed the present writ petition on 06.11.2017, seeking for early disposal of the said appeal. Admittedly, the very appeal itself was filed on 21.10.2017 and even without giving a reasonable time for the first respondent to consider the same, the petitioner has hurriedly filed the present writ petition seeking for early disposal of the said appeal. I do not think that such course of action adopted by the petitioner is appreciable.

5. However, Mr.C.Prakasam, learned counsel for the petitioner submitted that suffice if a direction is given to the first respondent to consider the stay petition filed along with the appeal and pass orders on the same, without loss of further time, as the petitioner's right to contest in the election will have to be decided, based on such order to be passed in the interim application.

6. This Court, at this stage, is not expressing any view on the merits of the claim made by the petitioner, as it is for the first respondent to consider and decide even in the stay petition, after hearing both parties. Therefore, this writ petition is disposed of, only with a direction to the first respondent to consider the stay petition filed by the petitioner and pass orders on the same on its merits and in accordance with law, after hearing both the parties, within a period of three weeks from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

mk

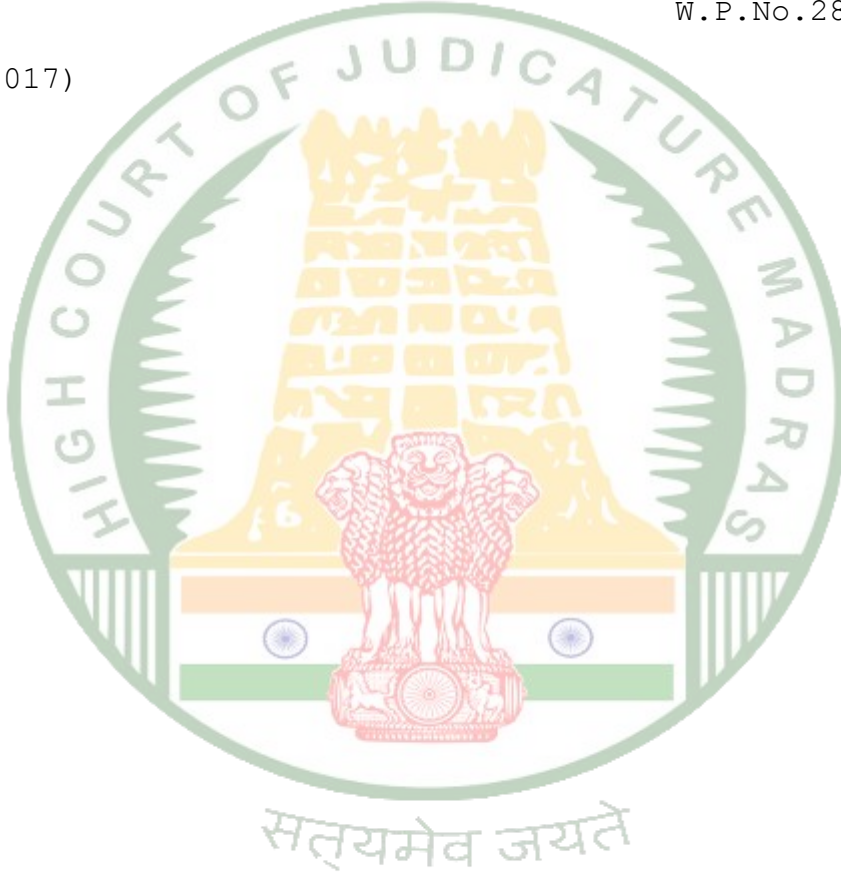
To

The Registrar of Cooperative Societies (Housing)
Tamil Nadu Cooperative Housing Federation
No.48, Ritherdon Salai, Veppery,
Chennai-600 007.

+ 1 cc to Mr. C. Prakasam, Advocate SR.78798

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MK(CO)
EU(08/11/2017)



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