

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 11.09.2017
CORAM :

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

W.P. No. 29741 of 2014

E.Anbarasu

.. Petitioner

Vs.

1. The Central Registrar,
Multi State Co-operative Societies,
Government of India,
Department of Agricultural & Co-operation,
'Krishi Bhavan New Delhi.
2. The President,
Tamil Nadu Accountant General Office,
Staff Co-operative Credit Society Office,
O/o. Pr.Accountant General (AEE),
No.361, Anna Salai, Teynampet,
Chennai - 600 018.
3. Tamil Nadu Accountant General Office,
Staff Co-operative Credit Society Limited,
represented by its Secretary,
O/o. Pr. Accountant General (AEE),
No.361, Anna Salai, Teynampet,
Chennai - 600 018.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, directing the first respondent to dispose of the Petition under multi state Co-operative Society Act, 2002 (39 of 2002) of the petitioner dated 24.09.2014.

For Petitioner : Mr.P.Haribabu
For Respondents : Mr.V.Parivallal
SCGSC For R1

Mr.P.Rajendran
For R2 & R3

O R D E R

This Writ Petition has been filed seeking to direct the first respondent to dispose of his representation dated 24.09.2014.

2. The learned counsel for the petitioner submitted that the 3rd respondent society, namely, 'the Tamil Nadu Accountant General Office Staff Co-operative Credit Societies Limited' having been registered without following the mandatory requirement, is suffering from the status of 'Multi State Co-operative Society'. While the elections were announced, the petitioner as an aggrieved individual, requested the Returning Officer for putting on hold the election of the 3rd respondent society, until its status is decided. The Returning officer replied stating that the 3rd respondent society has already been upgraded vide Certificate of Registration No.L11016/14/91 L & M dated 03.07.1991. Subsequently, the petitioner came to know that the status of the 3rd respondent society is illegal, irregular and without satisfying the required norms under 'Act 39 of 2002', made a representation on 24.09.2014 under Section 86(2) of the Multi State Co-operative Societies Act. As there is no response to his representation, the petitioner has filed this writ petition seeking the aforesaid prayer.

3. The learned Senior Standing counsel for the 1st respondent would submit that they have not received any such representation from the petitioner and no acknowledgement proof has been produced by the petitioner to that effect. If such a representation is submitted by the petitioner, the same would be considered on merits and in accordance with law.

4. Heard the learned counsel for the parties and perused the material available on records.

5. The prayer of the petitioner is for a limited scope, seeking to direct the 1st respondent, to dispose of his representation dated 24.09.2014, said to have been submitted to the 1st respondent. As rightly pointed out by the learned Senior Standing Counsel for the 1st respondent, only a postal receipt has been produced and no acknowledgement has been filed along with the typeset of papers. However, taking into consideration the relief prayed in the writ petition, requesting that the 1st respondent shall provide an opportunity to the respondents 2 and 3 before passing any orders against them.

6. In the light of the above submissions, the 1st respondent is directed to consider the petitioner's representation dated 24.09.2014 on merits, in accordance with law, as expeditiously as possible, preferably within a period of

twelve weeks from the date of receipt of a copy of this order, after providing an opportunity to the respondents 2 and 3. It is needless to state that the petitioner shall furnish a copy of his representation along with a copy of this order, to the 1st respondent.

7. The writ petition is disposed of, with the above direction. No orders as to costs.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

avr/raja

To

1. The Central Registrar,
Multi State Co-operative Societies,
Government of India,
Department of Agricultural & Co-operation,
'Krishi Bhavan New Delhi.

+1 cc to M/s.P.Haribabu Advocate sr 65809

+1 cc to M/s.P.Rajendran Advocate sr 65728

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gmi (co)
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