

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 04.12.2017
CORAM
THE HON'BLE MS. INDIRA BANERJEE, CHIEF JUSTICE
AND
THE HON'BLE MRS.JUSTICE R.HEMALATHA
W.P.No.29617 of 2017

V.Sarangapani
Petitioner

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Vs.

- 1 The State of Tamilnadu
rep. by Principal Secretary to Government
Cooperative Food and Consumer Protection Department
Secretariat, Chennai-9.
- 2 The District Collector
Kancheepuram District
Kancheepuram.
- 3 The Deputy Registrar of
Cooperative Societies (Kancheepuram)
Ellappa Nagar 3rd Street
(Opp. to Collectorate)
Kancheepuram 631 501.
- 4 KPSPL - 117, Venbakkam Primary
Agricultural Co-operative Credit Society
rep. by its Secretary
No.165 Venbakkam Village
Panruti Post 631 604
Walajahbad Taluk
Kancheepuram District.
- 5 The President
KPSPL - 117, Venbakkam Primary
Agricultural Co-operative Credit Society
No.165 Venbakkam Village
Panruti Post 631 604
Walajahbad Taluk
Kancheepuram District.

..Respondents

PRAYER: Petition under Article 226 of the Constitution of India for issuance of a writ of Certiorarified Mandamus calling for the records comprised in G.O.Ms.No.96, Cooperative Food and Consumer Protection (CN1) Department, dated 14.7.2017, on the file of the 1st respondent, to quash the same insofar as construction of new office for the KPSPL-117, Venbakkam Primary Agricultural Cooperative Credit Society functioning at Venbakkam Village, Walajahbad Talukm Kancheepuram District, and consequently forbear respondents 2 to 5 from shifting the office of the KPSPL-117, Venbakkam Primary Agricultural Cooperative Credit Society now functioning at Survey No.181/5 of Venbakkam Village, Walajah Taluk, Kancheepuram District to Survey No.254/2B of Panruti Village, Puttur Taluk, Kancheepuram District.

For Petitioner : Mr.R.Bharanidharan

For Respondents : Mr.T.N.Rajagopalan
Government Pleader (in-charge)
for 2nd respondent

Mr.L.P.Shanmugasundaram
for respondents 1, 3 to 5

ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

This writ petition is directed against the proposal to shift the office of KPSPL - 117, Venbakkam Primary Agricultural Cooperative Credit Society. The petitioner claims to be a Member of the society. The writ petition has, purportedly, been filed in public interest.

2. We are at a complete loss to understand how the petitioner or any other member of the society or any villager is affected by the shifting of the office of the society.

3. On behalf of the respondents, it is submitted that the distance between the proposed site, which is already under construction and is adjacent to the highway, and the existing office is about one kilometre.

4. Whether permission can be given for construction of the proposed building is for the Highway authorities concerned to decide. It is not the case in the writ petition that the construction is being carried out in spite of any objection from the Highway authorities.

5. It is not for the Court to decide where the office of a co-operative society set up by the Government for the benefit of the villagers should be situate. Nor is it for this Court to sit in appeal over decisions taken by the Government and/or decisions taken by the office bearers of a co-operative society with regard to the location of an office.

6. Learned counsel appearing on behalf of the petitioner referred to some of the provisions of the Tamil Nadu Co-operative Societies Rules, 1988 (hereinafter referred to as "the Rules"), and in particular Rules 6 and 9 thereof.

7. Rule 6 of the Rules provides that the bye-laws might deal with all or any of the matters specified in Rule 6, which includes the name and address of the society.

8. Rule 9 of the Rules provides that every amendment of bye-laws shall be made by a resolution passed by a majority of Members present and voting at the meeting of the General Body, for which notice of amendment of bye-laws has been given in accordance with this Rule and the bye-laws, unless otherwise provided in the Tamil Nadu Co-operative Societies Act, 1983 or the Rules framed thereunder. Our attention has been drawn to a resolution adopted way back on 11.11.2000, which enables the shifting of the office.

9. Be that as it may, as observed above, we see no public interest involved in this writ petition, where a single member of the co-operative society has questioned the shifting of the office. The affidavit in support of the writ petition does not disclose the prejudice which will be caused to any of the members or the villagers by shifting of the office.

10. Where offices of co-operative societies should be located and/or what would be the suitable location are matters for the appropriate authorities to decide. It is not for the Court to interfere in the absence of any patent illegality in a

decision.

11. The writ petition is thoroughly misconceived and the same is dismissed. We, however, refrain from imposing costs. In future, frivolous writ petitions shall attract exemplary costs. Consequently, W.M.P.Nos.31901 and 31902 of 2017 are closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To:

- 1 The Principal Secretary to Government
State of Tamilnadu
Cooperative Food and Consumer Protection Department
Secretariat, Chennai-9.
- 2 The District Collector
Kancheepuram District
Kancheepuram.
- 3 The Deputy Registrar of
Cooperative Societies (Kancheepuram)
Ellappa Nagar 3rd Street
(Opp. to Collectorate)
Kancheepuram 631 501.

+1cc to Mr.R.Karthikeyan, Advocate, S.R.No.85526

+1cc to Mr.LP.Shanmuga Sundaram, Advocate, S.R.No.85691

+1cc to the Government Pleader, S.R.No.85811

W.P.No.29617 of 2017

LRS (CO)

RRK(18/12/2017)