

IN THE H IGH COURT OF JUDICATURE AT MADRAS

DATED : 30.08.2017

CORAM

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P. No. 40607 of 2015
and
W.M.P.No.14784 of 2017

N.Yasodha

... Petitioner

Vs.

1. The Registrar,
Co-operative Societies,
Kilpauk, Chennai - 600 010.
2. The Deputy Registrar,
Co-operative Societies,
Kancheepuram Region,
Kancheepuram.
3. Pon.Murugesan,
The President,
G1708, Pichavakkam Primary Agricultural
Co-operative Credit Society,
Pichivakkam,
Sriperumbudur Taluk,
Kancheepuram District.
4. M.Chinnakannu,
Secretary in Charge,
G1708, Pichavakkam Primary Agricultural
Co-operative Credit Society,
Pichivakkam,
Sriperumbudur Taluk,
Kancheepuram District.
5. Sekar,
Executive Committee Member,
G1708, Pichavakkam Primary Agricultural
Co-operative Credit Society,
Pichivakkam,
Sriperumbudur Taluk,
Kancheepuram District.

... Respondents

Prayer :

Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus to call for the records of the impugned order passed by the 3rd respondent, vide proceedings, dated 12.12.2015, reference nil along with Resolution, dated 09.11.2015, and to quash the same, directing the respondents allow the petitioner to work as Executive Member of the Board in G1708, Pichivakkam Primary Agricultural Co-operative Credit Society, Pichivakkam, Sriperumbudur Taluk, Kancheepuram District.

For Petitioner : Mr.Dhanaram for M/s. M.R.Jothimanian
Respondents1&2 : Ms.T.Girija, Government Advocate
For 5th Respondent: No appearance

O R D E R

Heard Mr.Dhanaram, the learned counsel appearing for the petitioner and Mr. T. Girija, the learned Government Advocate for the respondents 1 and 2.

2. The petitioner is aggrieved by the notice sent by the third respondent, dated 12.12.2015, whereby, the petitioner has been informed that, pursuant to a Resolution passed by the third respondent, under Section 34 (2) (d) of the Tamil Nadu Co-operative Societies Act, 1983, dated 09.11.2015, the petitioner has been disqualified for the Membership of the Board. The Resolution, dated 09.11.2015 and the consequential notice, dated 12.12.2015 are impugned in this Writ Petition.

3. The learned Government Advocate for the respondents would submit that Writ Petition as against the Co-operative Society is not maintainable, in the light of the larger Bench Judgment of this Court, in (K.Marappan Vs. The Deputy Registrar of Co-operative Societies Namakkal Region) reported in 2006 (4) CTC 689.

4. As rightly pointed out by the learned Government Advocate, the Writ Petition as against the Co-operative Society is not maintainable, in the light of the decision rendered in K.Marappan's case (referred supra).

5. Therefore, following the dictum laid down by the Hon'ble Larger Bench in K.Marappan's case (referred supra), this Writ Petition stands dismissed. However, liberty is granted to the petitioner to challenge the Resolution by making representation/application before the concerned Authorities

within a period of two weeks from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Asst.Registrar (CS III)

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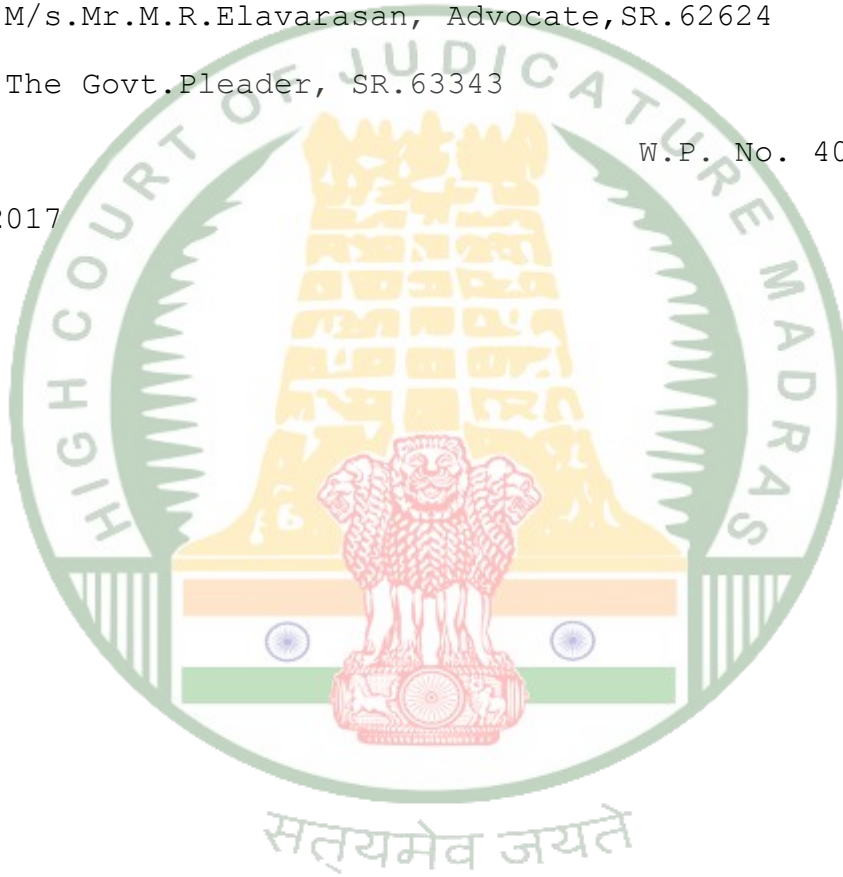
Sub Asst. Registrar

+ 1 cc to M/s.Mr.M.R.Elavarasan, Advocate,SR.62624

+ 1 cc to The Govt.Pleader, SR.63343

W.P. No. 40607 of 2015

NR 07/12/2017



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