

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.07.2017

CORAM

THE HON'BLE MR. JUSTICE D. KRISHNAKUMAR

W.P.No.5014 of 2015

S.Krishnamoorthi

..Petitioner

Vs.

1. The President,
Keeledayalam Primary Agricultural
Cooperative Credit Society Ltd.,
Keledayalam Post,
Tindivanam Taluk,
Villupuram District
2. Deputy Registrar Cooperative Societies,
Deputy Registrar Cooperative
Society Office,
Tindivanam,
Villupuram District.
3. Joint Registrar Cooperative Societies,
Joint Registrar Cooperative
Society Office,
Villupuram District.
4. The Secretary,
Keeledayalam Primary Agricultural
Cooperative Credit Society Ltd.,
Keledayalam Post,
Tindivanam Taluk,
Villupuram District

..Respondents

PRAYER:

The Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the third respondent herein to settle the dispute as provided under Section 90 of the Tamil Nadu Cooperative Societies Act, 1983 within the stipulated time prescribed by this Hon'ble Court based upon the representation dated 07.10.2014 given to the respondents herein.

For Petitioner : No appearance
For Respondents : Mr.L.P.Shanmugasundaram,
Special Government Pleader for R1

: Mrs.T.Girija,
Government Advocate for R2 & R3

: Mr.M.S.Palaniswamy for R4

ORDER

According to the petitioner, the petitioner is a member of Keeladayalam Primary Agricultural Cooperative Credit Society Limited which is registered under the Tamil Nadu Cooperative Societies Act, 1983. All the agricultural cooperative societies are governed by the Circular bearing No.11/90 issued by the Registrar of Cooperative Societies wherein it clearly mandates that all the agricultural cooperative societies must employ office bearers and other employees in accordance to Rule 149 of the Tamil Nadu Cooperative Societies Rules, 1988. The Secretary who is managing the said society does not comply with the above mandate. Taking note of that, the Deputy Registrar by letter dated 03.11.2004 communicated recommendations / directions to the Secretary in this regard. As the same were not complied with, the financial status of the society has become worsened. Hence, the petitioner made representation on 07.10.2014, 28.10.2017 and 15.11.2014 to the first, second and third respondents respectively to settle the dispute as required under Section 90 of the Tamil Nadu Cooperative Societies Act, 1983. But no action has been taken by the respondents in this regard. Therefore, the petitioner has filed this writ petition before this Court.

2. The learned Government Advocate would submit that the petitioner made representation to the first respondent society and therefore the writ petition is not maintainable. However, if any such representation is pending, the same shall be considered in accordance with law.

3. By considering the said submissions made by the learned Government Advocate appearing for the second and third respondents, in the light of the Full Bench Judgment in the case of Marappan Vs Deputy Registrar Cooperative Society, Namakkal reported in 2006 (4) CTC 689, the writ petition is not maintainable as far as the prayer sought for in the writ petition is concerned. However, it is open to the second respondent, if any representation is pending, the same shall be considered in accordance with law.

4. The writ petition is dismissed as not maintainable.
No costs.

Sd/-
Asst.Registrar (CS VII)

/true copy/

Sub Asst. Registrar

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To

1. The President,
Keeledayalam Primary Agricultural
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Keledayalam Post,
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Villupuram District
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+ 1 cc to Mr.L.P.Shanmugasundaram, Advocate, SR.50734

+ 1 cc to Mr.M.S.Palaniswamy, Advocate, SR.50700

+ 1 cc to The Govt.Pleader, SR.51046

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KS(CO)
NR 25/09/2017