

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2017

CORAM

THE HONOURABLE Mr. JUSTICE D.KRISHNAKUMAR

W.P.No.28611 of 2016
and WMP.No.24681 of 2016

N.Shanmugasundaram

.. Petitioner

Vs

- 1.The Joint Registrar of Co-operative Societies,
Tiruppur Region, Tiruppur,
Tiruppur District.
 - 2.The Deputy Registrar of Co-operative Societies,
Dharapuram Circle,
No.26/1, Katcherry Street, Dharapuram,
Tiruppur District.
 - 3.The President,
P.E.67, Sembaegoundenpalayam Primary
Agricultural Co-operative Credit Society,
Sembaegoundenpalayam,
Sadayapalayam Post - 638 702,
Kundadam Via, Dharapuram Taluk,
Tiruppur District.
- .. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the first respondent to consider and pass orders on merits by disposing the written representation made by the petitioner on 05.08.2016 within a stipulated time.

For Petitioner : Ms.Vaishnavi
for Mr.C.Prakasam

For Respondents : Mr.V.Selvaraj [for R1 & R2]
Additional Government Pleader
Mr.L.P.Shanmugasundaram [for R3]
Special Government Pleader

ORDER

Heard Ms.Vaishnavi, learned counsel appearing for the petitioner and Mr.V.Selvaraj, learned Government Advocate appearing for the respondents 1 and 2 and

Mr.L.P.Shanmugasundaram, learned Special Government Pleader appearing for the third respondent.

2. By consent of the parties the Writ Petition is taken up for final disposal.

3. The petitioner herein is one of the member of the third-respondent Society. It is the case of the petitioner that the third respondent-Society is a Primary Agricultural Co-operative Society functioning in Sembaegoundenpalayam Village since from the year 2001 in a well manner and that the residents of 24 villages nearby the said Society, are benefited. Now, the President of the third respondent-society had decided to shift the said Society to Manurpalayam, which is very close to Karuppatipalayam where the President hails from. Dissatisfied with the act of the President, the residents of Sembaegoundenpalayam and its neighbouring village made representations to the respondents. It is also stated in the representation that the villagers are ready to hand over 20 cents of land in Sembaegoundenpalayam village for construction of godown. However, those representations were not considered by the respondents.

4. The petitioner has also made a representation dated 05.08.2016 before the first respondent stating that the villagers would face grave hardship if the Society is shifted to Manurpalayam. Despite receipt and acknowledgment, the petitioner is yet to be favoured with any kind of response and therefore, the petitioner came forward to file the present Writ Petition.

5. The learned counsel for the petitioner also specifically made a statement before this Court that one Parameswari, the resident of Sembaegoundenpalayam Village has made a written representation dated 25.07.2017 to the first respondent expressing her wish to offer her land to an extent of 0.20 acres to the third respondent-Society by way of gift deed to construct a building for the said Society with a godown in the said village.

6. Taking into consideration the above facts and circumstances, this Court directs the 1st respondent to consider the representation of the petitioner dated 05.08.2016 on merits and in accordance with law, by ascertaining the correctness of facts and after providing opportunities to the parties concerned, pass orders as expeditiously as possible, preferably within a period of three months from the date of receipt of a copy of this order.

7. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

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Assistant Registrar

//True copy//

Sub Assistant Registrar

ds

To:

- 1.The Joint Registrar of Co-operative Societies,
Tiruppur Region, Tiruppur,
Tiruppur District.
- 2.The Deputy Registrar of Co-operative Societies,
Dharapuram Circle, No.26/1, Katcherry Street,
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Sadayapalayam Post - 638 702,
Kundadam Via, Dharapuram Taluk,
Tiruppur District.

C.C. to Mr.L.P.Shanmuga Sundaram Advocate SR.NO.17642

C.C. to Mr.C.Prakasam Advocate SR.NO.17832

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W.P.No.28611 of 2016

LRS (CO)
VS 18.04.2017

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