

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.03.2017

CORAM:

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

W.P. No. 39119 of 2016

G. Vasanthi

... Petitioner

Vs

1. The State of Tamil Nadu,
Rep. by its Secretary (Co-operative)
Fort.St.Geroge, Chennai-600 009
2. The Registrar of Co-operative Societies
EVR Road, kilpauk
Chennai-600 010.
3. The District Collector,
Namakkal-637 003.
4. The Joint Registrar of
Co-operative Societies,
Collectorate,
Namakkal-637 003
5. The Deputy Registrar of
Co-operative Societies,
Trichy Main Road,
Namakkal-637 001
6. The President,
S1223, Chandrasekarapuram
Primary Agricultural
Co-operative and Credit Society,
Chandrasekarapuram-637 401,
Rasipuram TK, Namakkal Dist. ... Respondents

Prayer: Petitions filed under Article 226 of the Constitution of India praying for the issuance of a WRIT OF Mandamus, directing the 2nd Respondent to pass final orders by without delegating it to anybody, pursuant to the finding arrived at by the 2nd respondent in Na.Ka.No.15068/2016.Ki.Ka.1 dated 11.04.2016 and pass such further orders.

For petitioner ... M/s J.Srinivasa Mohan

For respondents ... Mr.T. Girija
Govt. Advocate for R1 to R3

Mr. L.P.Shanmugasundharam
Spl. Govt. Pleader for R4 to R6

O R D E R

This Writ Petition has been filed seeking to direct the 2nd Respondent to pass final orders, without delegating it to anybody, pursuant to the finding arrived by him in Na.Ka.No.15068/2016. Ki.Ka.1 dated 11.04.2016.

2. The petitioner is one of the Directors in the 6th respondent Society. The main role of the 6th respondent Society is to grant crop loan, without interest to the agriculturist. The Society also issues loan to others with interest, as jewel loan. Whiles, the petitioner filed a petition before this Court seeking for a Mandamus, directing the 1st respondent to ensure that the Tender Transparency Act, 1998 is strictly followed, in the construction of Godowns for primary agricultural cooperative and credit society, pursuant to the financial assistance received from NABARD. This Court by its order dated 25.01.2016, disposed of the writ petition, granting time to the Registrar of Co-operative Societies, to pass orders on the representation. Pursuant to the said order, the 4th and 5th respondent initiated enquiry as per Section 82, in order to remove the petitioner from the 6th respondent Society. Challenging the same, the petitioner filed W.P.No. 10121 of 2016. By order dated 07.04.2016, this Court directed the Registrar to consider the matter and to call for the entire records from the office of the Deputy Registrar, if the same is required to comply with the order passed in the earlier Writ Petition No.9165 of 2015.

3. Pursuant to the aforesaid direction of this Court, the 2nd respondent/ the Registrar of Cooperative Societies, directed the 4th respondent, Joint Registrar of Cooperative Societies to conduct enquiry and pass orders. The Joint Registrar, issued notice under Section 88(1) of the Co-operative Societies Act, to dissolve the Board and the response of the Board was sought for. No further action has been taken subsequently. The petitioner had already stated in her complaint that the Joint Registrar is also equally liable for the said violations. Under such circumstances, the Society is still functioning and no orders have been passed under Section 88(1) of the Act. Therefore, the petitioner filed a contempt petition and the same was closed by this Court on 11.08.2016,

giving liberty to the petitioner to work out her remedy by separate proceedings, in the manner known to law. Since no order has been passed, the petitioner has filed this writ petition seeking the aforesaid prayer.

4. Heard Mr. J.Srinivasa Mohan, learned counsel for the petitioner and Mr. L.P.Shanmugasundharam, learned Special Government Pleader for the respondents and perused the material available on record.

5. It is seen that the 6th respondent, President of the Society has filed a Petition in W.P. No. 668 of 2017, which has been disposed of, on 20.02.2017. In the said writ petition, the present writ petitioner is also impleaded as a party. Therefore, the question of competency of the order, passed by the Registrar of Co-operative Societies, would be raised before the appropriate forum.

6. Considering the above facts and circumstances of the case, this Writ Petition is dismissed, with liberty to the petitioner to put forth the grounds raised in this writ petition, before the appropriate forum, if so advised. No order as to costs.

Sd/-

Asst.Registrar (CS VIII)

/true copy/

Sub Asst. Registrar

avr

To

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Rep. by its Secretary (Co-operative)
Fort.St.Geroge,Chennai-600 009
2. The Registrar of Co-operative Societies
EVR Road, kilpauk
Chennai-600 010.
3. The District Collector,
Namakkal-637 003.
4. The Joint Registrar of
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Collectorate,
Namakkal-637 003

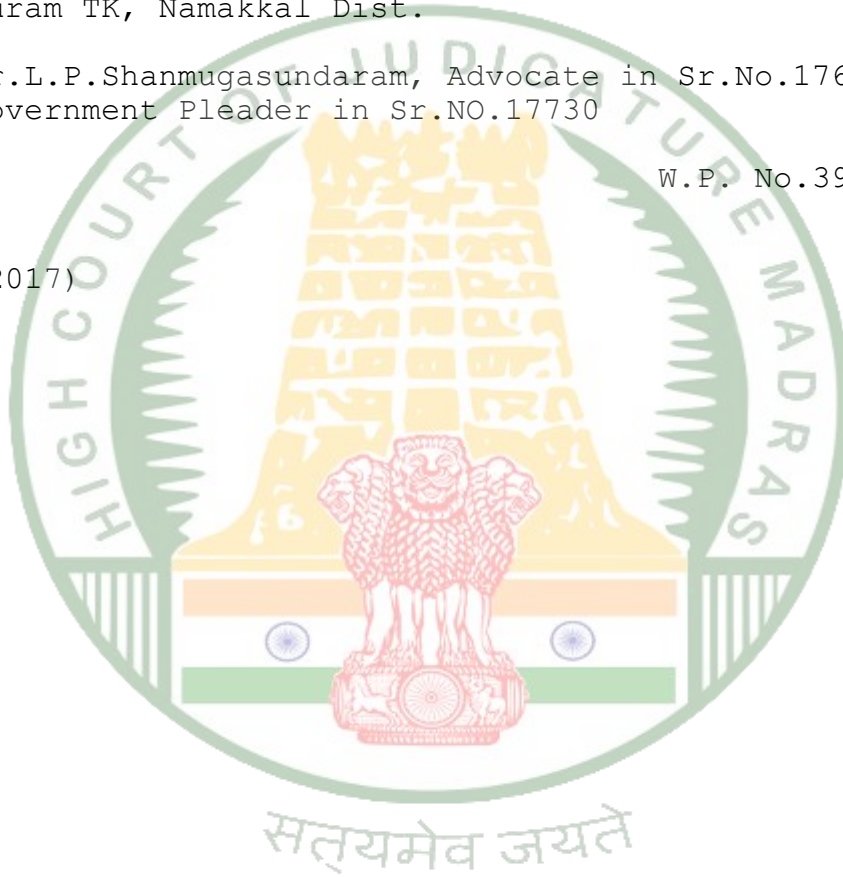
5. The Deputy Registrar of
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Chandrasekarapuram-637 401,
Rasipuram TK, Namakkal Dist.

+1cc to Mr.L.P.Shanmugasundaram, Advocate in Sr.No.17641
+1cc to Government Pleader in Sr.NO.17730

W.P. No.39119 of 2016

CA(CO)
NR(15/06/2017)



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