

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.01.2017

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

W.P.NO.15631 OF 2003

1. Salem District Co-op. Societies
Employees Union (CITU)
(Regn. No.236/78/SLM)
Rep. By its General Secretary
No.2, Vidyalaya Road,
Salem - 636 007.
 2. R.Krishnan
Secretary
P.N.Patti Veerakkal Pudur Primary
Agricultural Co-operative Bank
Karuppu Reddiyar Post,
Mettur Taluk, Salem District,
Pincode - 636 404. Petitioners
- Vs.
1. Registrar of Co-operative Societies
EVR Periyar High Road,
Kilpauk,
Chennai - 600 010.
 2. Joint Registrar of Co-operative Societies
24, Ramakrishna Road,
Salem - 636 007.
 3. Special Officer
Salem District Central Co-operative Bank
Cherry Road, Salem - 636 001.
 4. Joint Registrar of Co-operative Societies
Namakkal Collectorate
2nd Floor,
Namakkal - 637 003.
 5. The Secretary to Government
Co-operation, Food and Consumer Department
Government of Tamil Nadu

Secretariat,
Chennai - 600 009.
(RR4 and 5 impleaded as per order dated
03.03.2005 in WMP No.5829/2005)

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India by with a prayer to issue a Writ of Certiorari, to call for the concerned records relating to impugned circular no.RC No.184617/2000/CBP-1 dated 24.04.2003 (Ex-A) issued by the 1st respondent, Registrar of Co-operative Societies read with Circulars bearing No.Su.No.21/2003-A.4-Na.Ka.No.162/98 A.4 dated 09.05.2003 (Ex-B) of the 3rd respondent and Su.No.24/2003/A.4-Na.Ka.No.162/98 A.4 dated 16.05.2003 (Ex-C) of the 3rd respondent and quash the same as being illegal, arbitrary and unconstitutional.

For Petitioners : Mr.C.K.Chandrasekhar
For Respondent-1 : Ms.T.Girija
Government Advocate
For Respondent-3 : Mr.M.R.Raghuram

O R D E R

The Registrar of Co-operative Societies, the first respondent herein, had passed an order dated 24.04.2003, which reads as follows:

"PACBs whose owned funds are Rs.20 lakhs and above may accept term deposits from members. However, the PACBs falling under the following categories are not allowed to accept term deposits though their owned funds is Rs.20 lakhs and above.

- 1.Unviable PACBs
- 2.PACBs with cover deficit in Cash Credit
- 3.PACBs having establishment cost at above 2% of loan outstanding less over due.
- 4.PACBs not maintaining fluid resources."

2. Challenging the said order, Union and the Co-operative Societies have filed the present writ petition.

3. When the matter was taken up for hearing, it is brought to the notice of this Court by the learned Government Advocate that the said circular dated 24.04.2003 has subsequently been revised by circular dated 11.03.2011, wherein the liability criteria has been reduced.

4. In view of the above, the present writ petition is dismissed as infructuous. No costs.

s/d-
Assistant Registrar (CS-VI)

//True Copy//

Sub-Assistant Registrar

To

1. Registrar of Co-operative Societies
EVR Periyar High Road,
Kilpauk, Chennai - 600 010.
 2. Joint Registrar of Co-operative Societies
24, Ramakrishna Road,
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Namakkal Collectorate
2nd Floor,
Namakkal - 637 003.
 5. The Secretary to Government
Co-operation, Food and Consumer Department
Government of Tamil Nadu
Secretariat, Chennai - 600 009.
- +1 CC to M/s. Rwo & Reddy, Advocate sr 2346
+1 CC to The Govt. Pleader sr 2641

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