



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.10.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P (MD) No.18478 of 2017

S.Manickam

.. Petitioner

Vs.

1.The Secretary to Government,
Food, Co-operation and Consumer Protection Department,
Fort St. George, Chennai.

2.The Registrar of Co-operative Societies,
E.V.R. High Road, NVN. Maligai,
Kilpauk, Chennai.

3.The Joint Registrar of Co-operative Societies,
Opp. to Government Ladies College,
Sivagangai.

4.The Deputy Registrar of Co-operative Societies,
5th Street, Subramaniyapuram,
Karaikudi, Sivagangai District.

5.P.S.Nagarajan,
President, Q.633. Nerkuppai Primary
Agricultural Co-operative Credit Society Ltd.,
Nerkuppai, Thiruppathur Taluk,
Sivagangai District - 630 405.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents 3 and 4 to invoke Section 34(1) (h) of the Tamilnadu Co-operative Societies Act and pass order of disqualification as the fifth respondent already suffered disqualification under Section 36 of the TNCS Act, vide the proceedings of the third respondent in Na.Ka.No.6424/95 SaPa, dated 12.03.1997.

For Petitioner

: Mr.MGanesan

For Respondent No.1

: Mr.M.Alagathevan,
Special Government Pleader.

For Respondents 2 to 4

: Mr.T.S.Mohammed Mohideen,
Additional Government Pleader.



For Respondent No.5 : Mr.M.Saravanakumar

ORDER

This writ petition is filed seeking a writ of Mandamus to direct the respondents 3 and 4 to invoke Section 34(1)(h) of the Tamilnadu Co-operative Societies Act and pass order of disqualification as the fifth respondent already suffered disqualification under Section 36 of the TNCS Act, vide proceedings of the third respondent in Na.Ka.No.6424/95 SaPa, dated 12.03.1997.

2.Heard the learned counsel for the parties.

3.According to the petitioner, the fifth respondent, during his earlier tenure as President of Q.633. Nerkuppai Primary Agricultural Co-operative Credit Society Ltd., Nerkuppai, Thiruppathur Taluk, Sivagangai District - 630 405, has been permanently disqualified from acting as member of the Board of every Co-operative society, as per Section 36 of the Tamilnadu Co-operative Societies Act, vide proceedings of the third respondent in Na.Ka.No.6424/95 SaPa, dated 12.03.1997. But, the respondents failed to take action against him under Section 34(1)(h) of the Act. Therefore, the petitioner made representations dated 31.07.2017 to the respondents 1 to 4. Since the same has not been considered so far, the petitioner is before this Court.

4.Today, when the matter is taken up for hearing, the learned Additional Government Pleader appearing for the respondents 2 to 4 would submit that the fourth respondent has already proceeded with, on the petition filed by the petitioner, dated 01.08.2017, vide proceedings dated 07.09.2017 and he has also produced a copy of the said proceedings.

5.Recording the same, the fourth respondent is directed to take necessary follow-up action in the issue in question and pass appropriate orders on its own merit and in accordance with law, after affording due opportunity of hearing to the petitioner, within a period of four weeks from the date of receipt of a copy of this order. If any third party will be affected by the nature of the relief sought for by the petitioner or by any order to be passed, the authority shall hear such person to avoid the allegations of violation of principles of natural justice.

6.The writ petition is disposed of as above. No costs.

Sd/-

Assistant Registrar(CSI)



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- 1.The Secretary to Government,
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- 3.The Joint Registrar of Co-operative Societies,
Opp. to Government Ladies College,
Sivagangai.
- 4.The Deputy Registrar of Co-operative Societies,
5th Street, Subramaniyapuram,
Karaikudi, Sivagangai District.

+One cc to Mr.M.Ganesan, Advocate, SR.No.84860

+One cc to Mr.M.Saravana Kumar, Advocate, SR.No.84586

+One cc to The Special Government Pleader, SR.No.84830

smn

RL/8C/3P/KK/SAR1/10/11/2017

ORDER MADE IN

W.P (MD) No.18478 of 2017

31.10.2017