



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.12.2017

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P. (MD) No.9302 of 2017

and

WMP (MD) Nos.7073 & 10239 of 2017

Geroge

... Petitioner

Vs.

1. The Registrar of Co-operative Societies,
Registrar Office, Chennai - 10.
2. The Deputy Registrar of Co-operative Societies,
Registrar Office,
Nagercoil - 629 002.
3. 943, Azhakiyapandipuram Primary Agricultural
Co-operative Credit Society Ltd.,
Azhakiyapandipuram,
Kanyakumari District.
(Rep. by its Secretary)
4. V.Sundaravel

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first respondent to consider and pass orders on the representation of the petitioner dated 17.04.2017 and may forbear the respondents 1 to 3 to appoint the fourth respondent as the Secretary of 943, Azakiyapandipuram Co-operative Credit Society Ltd.

For Petitioner : Mr.K.P.Narayanakumar
For Respondents : Mr.J.Gunaseelan Muthiah, - For R1 & R2
Government Advocate
: Mr.Asaithambi - For R3
: Mr.S.Karthick Subramanian - For R4

ORDER

This writ petition has been filed seeking to direct the first respondent to consider and pass orders on the representation of the petitioner dated 17.04.2017 and may forbear the respondents 1



to 3 to appoint the fourth respondent as the Secretary of 943, Azakiyapandipuram Co-operative Credit Society Ltd.

2. Heard the learned Counsel appearing on either side.

3. The petitioner, who is a "A" class member of the third respondent Co-operative Society, is before this Court, alleging that the fourth respondent / former Secretary of the said Society, is misusing his powers and had committed gross irregularities in maintaining the accounts as well as misappropriation of funds. Subsequently, as per the resolution No.11 dated 03.06.2014, the Special Officer suspended the fourth respondent and an enquiry was ordered, in which, charges against the fourth respondent was proved and subsequently, he was de-promoted as Senior Clerk. Challenging the same the fourth respondent has filed a writ petition in WP(MD) No.2908 of 2017 and the same is pending. Pending disposal of the same, the fourth respondent is attempting to interfere with the administration of the Society and in order to prevent the society, the petitioner has submitted several representations and the last one of which was dated 17.04.2017 before the respondents and because of their inaction, this present petition came to be filed.

4. After some arguments, the learned counsel appearing for the petitioner as well as the learned Counsel appearing for the respondents 3 and 4 has mutually agreed that the authorities shall be directed to pass necessary orders on the representation of the petitioner, touching all the issues legally and after affording an opportunity of hearing to all the parties concerned.

5. In view of the above submission, this Court, without going into the merits of the matter, directs the first respondent to consider the representation of the petitioner dated 17.04.2017 and pass appropriate orders thereon, on its own merits and in accordance with law, after affording an opportunity of hearing to the petitioner, respondents 3 and 4, as well as other interested parties, if any, within a period of four weeks from the date of receipt of a copy of this order. Till such time status-quo to be maintained.

6. Accordingly, this writ petition is disposed of as above. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar



To
1. The Registrar of Co-operative Societies,
Registrar Office,
Chennai - 10.

2. The Deputy Registrar of Co-operative Societies,
Registrar Office,
Nagercoil - 629 002.

+ 1 CC TO Mr.K.P.NARAYANAKUMAR, ADVOCATE IN SR No. 36218
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 93141
+ 1 CC TO Mr.S.KARTHIK SUBRAMANIAN, ADVOCATE IN SR No. 36266

RM

TE/SKN-RSK/SAR-3 : 05/01/2018 : 3P/6C

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