

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.12.2018

CORAM

THE HON'BLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.16141 of 2005

and

W.P.M.P.Nos.17579 and 17580 of 2005

1. T.Thangavelu
2. C.Rangasamy
3. N.Kumarasamy
4. C.Shanmugam
5. N.K.Palanisamy
6. P.Velusamy
7. N.Duraisamy
8. O.V.Moorthi
9. O.S.Shanmugam
10. S.Venkateswaran
11. N.Vikramathithan
12. D.Vengudusamy
13. P.S.Yuvarasu
14. P.Palanisamy
15. B.S.Sadasivam
16. N.Jothi
17. R.Devendran
18. M.Abimannan
19. P.Palanisamy
20. R.Krishnasingh
21. P.Sakthivel
22. D.Bhuvaneswaran
23. P.Nallasivam
24. S.Jothilakshmi
25. C.Mani
26. D.Parthiban
27. S.Shanmugasundaram
28. C.Poongodi
29. R.Jaganathan
30. R.Murugarani
31. P.Ananthi
32. A.Kala
33. N.Kaliappan
34. Jhonshirani
35. R.Maheswari
36. K.Mohanasundaram
37. D.Sekar
38. K.Marimuthu

39. A.Thangamuthu
40. S.Saraswathi
41. P.Rajendran
42. D.Thangavel
43. P.Duraisamy
44. A.Chandrika
45. V.Deiva
46. R.K.Subramanian
47. V.P.Dhandapani
48. S.Kasthuri
49. S.Lakshmi
50. T.Jaya
51. M.P.Ponnusamy
52. N.Duraisamy
53. S.S.Ponnusamy
54. P.M.Subramaniam
55. P.Manickam
56. M.G.Subramaniam
57. A.Mohan
58. A.Murugesan
59. K.A.Chockalingam
60. M.Subramaniam

... Petitioners

vs.

1. The Director of Co-Op Audit,
Tamil Nadu Slum Clearance Board Buildings,
Kamarajar Salai, Chepauk, Chennai -5.
2. The Assistant Director of Co-Op Audit,
Erode, Erode District.
3. The Deputy Registrar of Co-Op Societies,
Erode Circle, Erode.
4. The Deputy Registrar of Co-Op Societies,
Gobi Circle, Gobi, Erode.
5. The Special Officer,
Ingur Primary Agricultural Co-Op Bank Ltd.,
Ingur Post, Perundurai Taluk, Erode District.
6. The Special Officer,
Panangattur Primary Agricultural Co-Op Bank Ltd.,
Iyampalayam Post,
Bhavani Taluk, Erode District.
7. The Special Officer,
Bramadesam Primary Agricultural Co-Op Bank Ltd.,
Brammadesam Post,
Bhavani Taluk, Erode District.

8. The Special Officer,
Lakkumananaickkanpatty Primary Agricultural Co-Op Bank Ltd.,
Agricultural Co-Op Bank Ltd., L.N.Patty Post,
Kangayam Taluk, Erode District.
9. The Special Officer,
Dhasavanaickkanpatty Primary Agricultural Co-Op Bank Ltd.,
Dhasavanaickkanpatty Post,
Kangayam Taluk, Erode District.
10. The Special Officer,
Vellakoil Primary Agricultural Co-Op Bank Ltd.,
Vellakoil Post,
Kangayam Taluk, Erode District.
11. The Special Officer,
Velappannaickkanvalasu Primary Agricultural Co-Op Bank Ltd.,
V.N.Valasu Post,
Kangayam Taluk, Erode District.
12. The Special Officer,
Uthukuli Primary Agricultural Co-Op Bank Ltd.,
Uthukuli Post,
Perundurai Taluk, Erode District.
13. The Special Officer,
Nadupatti Primary Agricultural Co-Op Bank Ltd.,
Nadupatti Post,
Perundurai Taluk, Erode District.
14. The Special officer,
Kambuliyampatty Primary Agricultural Co-Op Bank Ltd.,
Kambuliyampatty Post,
Perundurai Taluk, Erode District.
15. The Special Officer,
Kilvani Primary Agricultural Co-Op Bank Ltd.,
Mungilpatty, Kilvani Post, Bhavani Taluk,
Erode District. ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, forbearing the respondents 1 and 2 from making Audit objections in their Audit Report in regarding with paying the banks contribution in LIC for Employees Provident Fund.

For Petitioners : Mr.C.Prakasam

For Respondents : Mr.L.P.Shanmugasundaram,
Special Government Pleader (Co-Op)

ORDER

The relief sought for in this writ petition is to forbear the the respondents 1 and 2 from making Audit objections in their Audit Report in regarding with paying the banks contribution in LIC for Employees Provident Fund and pass such further orders.

2.The very relief sought for in the present writ petition in innocuous. There cannot be any negative relief can be granted in a writ petition. The competent authorities, who all are empowered to exercise the powers under the provisions of the statute can never be prevented from exercising their powers in a lawful manner.

3.No writ petition can be entertained, if such a relief is sought for in the absence of any material to show that the authority had acted contrary to the provisions of law. Thus, it is made clear that the authority, if committed any illegality or violations of the provisions of any law, then alone the writ petitioner would get cause for filing a writ petition.

4.On a perusal of the prayer as well as the grounds raised in the writ petition, the writ petitioner has filed the petition with certain apprehensions, which is premature. Thus, it is made clear in the event of passing any orders, affecting the rights of the writ petitioner, the writ petitioner is at liberty to approach the competent Appellate authority and thereafter, the High Court, in accordance with the procedures as contemplated.

5.In view of the fact that the very relief as such sought for cannot be granted, no further adjudication needs to be entertained in respect of the grounds raised in this writ petition. Accordingly, the writ petition stands dismissed as the petitioner has not established any cause for granting the relief and further, the writ petition is also premature. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Director of Co-Op Audit,
Tamil Nadu Slum Clearance Board Buildings,
Kamarajar Salai, Chepauk, Chennai -5.

2. The Assistant Director of Co-Op Audit,
Erode, Erode District.
3. The Deputy Registrar of Co-Op Societies,
Erode Circle, Erode.
4. The Deputy Registrar of Co-Op Societies,
Gobi Circle, Gobi, Erode.
5. The Special Officer,
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Ingur Post, Perundurai Taluk, Erode District.
6. The Special Officer,
Panangattur Primary Agricultural Co-Op Bank Ltd.,
Iyampalayam Post, Bhavani Taluk, Erode District.
7. The Special Officer,
Bramadesam Primary Agricultural Co-Op Bank Ltd.,
Brammadesam Post, Bhavani Taluk, Erode District.
8. The Special Officer,
Lakkumananaickkanpatty Primary Agricultural Co-Op Bank Ltd.,
Agricultural Co-Op Bank Ltd., L.N.Patty Post,
Kangayam Taluk, Erode District.
9. The Special Officer,
Dhasavanaickkanpatty Primary Agricultural Co-Op Bank Ltd.,
Dhasavanaickkanpatty Post, Kangayam Taluk, Erode District.
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Vellakoil Post, Kangayam Taluk, Erode District.
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Ltd.,
V.N.Valasu Post, Kangayam Taluk, Erode District.
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Uthukuli Primary Agricultural Co-Op Bank Ltd.,
Uthukuli Post, Perundurai Taluk, Erode District.
13. The Special Officer,
Nadupatti Primary Agricultural Co-Op Bank Ltd.,
Nadupatti Post, Perundurai Taluk, Erode District.
14. The Special officer,
Kambuliyampatty Primary Agricultural Co-Op Bank Ltd.,
Kambuliyampatty Post, Perundurai Taluk, Erode District.

15. The Special Officer,
Kilvani Primary Agricultural Co-Op Bank Ltd.,
Mungilpatty, Kilvani Post, Bhavani Taluk,
Erode District.

+1cc to Mr.C.Prahasam, Advocate, S.R.No. 86455

+1cc to the Government Pleader, S.R.No. 86227

W.P.No.16141 of 2005

VSNII (CO)
GN(08/01/2019)