

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 09.11.2018

CORAM
THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P.No.27190 of 2018
and
W.M.P.No.31626 of 2018

A.Veeramani

... Petitioner

Vs

1. The Joint Registrar of Co-operative Societies,
Cuddalore Region,
Cuddalore.
2. The Deputy Registrar of Co-operative Societies,
Chidambaram Circle,
Cuddalore District.
3. E.53, The Chidambaram
Co-operative Urban Bank Ltd.,
Rep. by its President,
102, North Car Street,
Chidambaram - 608 001
4. C.Jawahar,
Board of Director,
E-53, The Chidambaram,
Co-operative Urban Bank Ltd.,
102, North Car Street,
Chidambaram - 608 001

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondents 1 and 2 to remove the membership of the fourth respondent from E.53, the Chidambaram Co-operative Urban Bank Ltd., Chidambaram, Cuddalore District under Section 23(1)(e) of the Tamilnadu Co-operative Societies Act.

For Petitioner : Mr.M.S.Palaniswamy

For Respondents : Mr.L.P.Shanmugasundaram,
Special Government Pleader,
For R1 & R2.

: Mr.C.Prakasam,
For R4.

O R D E R

This writ petition has been filed seeking a direction to the respondents 1 and 2 to remove the membership of the fourth respondent from the third respondent society.

2. The grievance of the petitioner is that the fourth respondent, who is not qualified to be elected as a member of the Board of Directors of the third respondent society has contested election and also got elected. In the said circumstances, the petitioner sent a representation dated 05.09.2018 to the second respondent, Deputy Registrar of Co-operative Societies for taking action to disqualify the fourth under Section 23(1)(e) of the Tamil Nadu Co-operative Societies Act. Since the representation was not considered, the present writ petition has been filed.

3. Mr.M.S.Palaniswamy, learned counsel appearing for the petitioner submitted that the fourth respondent is doing a business similar to that of the business of the third respondent society and his membership ought to have been disqualified under Section 23(1)(e) of the Tamil Nadu Co-Operative Societies Act. Hence, the petitioner made a complaint and that was not considered.

4. Mr. C.Prakasam, the learned counsel appearing for the fourth respondent, on instructions, submitted that even though the petitioner has applied for a pawn broker licence, subsequently it was cancelled. As on date, there is no licence stands in the name of the fourth respondent and no disqualification is attracted.

5. Considering the above circumstances, without going into the merits of the case, as already the petitioner's complaint is pending with the Deputy Registrar, second respondent, who is the competent authority to consider the application for disqualification, the second respondent is directed to consider the petitioner's representation dated 05.09.2018 and pass suitable orders, on merits, within a period of twelve weeks from the date of receipt of a copy of this order, after giving opportunity to the petitioner as well as the fourth respondent.

6. With the above directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

mrp

To

1. The Joint Registrar of Co-operative Societies,
Cuddalore Region,
Cuddalore.
2. The Deputy Registrar of Co-operative Societies,
Chidambaram Circle,
Cuddalore District.
3. E.53, The Chidambaram
Co-operative Urban Bank Ltd.,
Rep. by its President,
102, North Car Street,
Chidambaram - 608 001

+1cc to Mr.Palanisamy, Advocate, S.R.No.76690
+1cc to Mr.C.Prakasam, Advocate, S.R.No.76978
+1cc to Mr.L.P.Shanmugasundaram, Advocate, S.R.No.76914
+1cc to the Government Pleader, S.R.No.77040

W.P.No.27190 of 2018

MG(CO)

rrs 04/02/2019



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