

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:13.12.2018

CORAM:

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

W.P.No.33238 of 2018
and
W.M.P.No.38573 of 2018

V.Mohan

... Petitioner

Vs.

1. The Joint Registrar of Co-operative Societies,
Vellore Region at Vellore.
2. The Deputy Registrar of Co-operative Societies/
Arbitrator,
Thiruppattur Circle,
Vellore District.
3. NO.C.1363, K.Chettiyappanur Primary Agricultural
Co-operative Bank Ltd., rep. by its President,
Chettiyappanur Village and Post,
Vaniyampadi Taluk, Vellore District.
4. The Secretary,
No.C.1363, K.Chettiyappanur Primary Agricultural
Co-operative Bank Ltd., rep. by its President,
Chettiyappanur Village and Post,
Vaniyampadi Taluk, Vellore District.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus restraining the respondents 3 and 4 from conducting the General Body Meeting of the third respondent society, proposed to be held on 14.12.2018 or any other subsequent dates, till the election dispute of the petitioner is decided on merits pending on the file of the 2nd respondent vide Dispute No.315/2018-2019 Sq.Pa. and consequently , direct the 2nd respondent to dispose of the election dispute of the petitioner vide Dispute No.315/2018-2019 Sa.Pa. within the time fixed by this Court.

For Petitioner : Mr. L.Murugan

For Respondents: Mr.L.P.Shanmugasundaram
Spl.Govt. Pleader, for R1 & R2

O R D E R

This writ petition has been filed restraining the respondents to conduct any General Body Meeting of the third respondent society.

2. The grievance of the petitioner is that challenging the election to the Board of Directors of the third respondent society, the petitioner has filed a petition under Section 90 of the Tamil Nadu Co-operative Societies Act and the same is pending. Now, the third respondent society is proposed to conduct General Body Meeting. Hence, the present writ petition has been filed.

3. The learned counsel appearing for the petitioner would submit that until the election petition filed by the petitioner is decided by the concerned authorities, the Board of the third respondent society cannot conduct any General Body Meeting.

4. Heard both sides and perused the materials available on record.

5. Now, the petitioner has only filed a petition challenging the election, unless the election is set aside by the competent authority, the duly elected Board is entitled to function and they are also entitled to carry on the regular business of the society. In the said circumstances, the relief sought for by the petitioner cannot be granted.

6. Accordingly, this writ petition is dismissed. However, since the election petition filed by the petitioner is now pending with the second respondent and enquiry has also been commenced, the second respondent is directed to expedite the enquiry and pass suitable orders within a period of eight weeks from the date of receipt of a copy of this order.No costs. Consequently, connected miscellaneous petition is closed.

mrp

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Joint Registrar of Co-operative Societies,
Vellore Region at Vellore.
2. The Deputy Registrar of Co-operative Societies/
Arbitrator, Thiruppattur Circle,
Vellore District.
3. The President,
NO.C.1363, K.Chettiyappanur Primary Agricultural
Co-operative Bank Ltd.,
Chettiyappanur Village and Post,
Vaniyampadi Taluk, Vellore District.
4. The Secretary,
No.C.1363, K.Chettiyappanur Primary Agricultural
Co-operative Bank Ltd.,
Chettiyappanur Village and Post,
Vaniyampadi Taluk, Vellore District.

+1cc to M/s.I.Murugan, Advocate, S.R.No.86418
+1cc to the Government Pleader, S.R.No.86771.

W.P.No.33238 of 2018

CP (CO)
KAK(10/09/2019)

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