



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.04.2018

CORAM:

THE HONOURABLE MR. JUSTICE K.RAVICHANDRABAABU
AND
THE HONOURABLE MRS. JUSTICE T.KRISHNAVALLI

W.A[MD].No.482 of 2018
and
C.M.P. (MD) Nos.2890 & 2891 of 2018
in
W.P. (MD) No.3829 of 2016

C.J.Bennet Charles : Appellant/ 3rd Party

Vs.

1. V.Stanley,
President (Under Removal of Membership)
The Charoor Primary Agricultural Co-op Bank Ltd.,
No.Y-257, Moovattumugam Post,
Kanyakumari District.
2. The Deputy Registrar,
Co-operative Societies, Thuckalay,
Kanyakumari District.

: Respondents/Respondents

PRAYER: Appeal is filed under Clause 15 of Letters Patent Act, to set aside the order of the learned single Judge of this Court, dated 21.11.2017 in W.P. (MD) No.3829 of 2016.

Prayer in WP(MD). 3829/ 2016 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorari calling for the records relating to the impugned proceedings of the respondent in Na.Ka.2196/2015 ThoVesa dated 15.12.15 and quash the same as illegal.

For Appellant : Mr.H.Velavadhas

For R1 : Mr.M.E.Elango

For R2 : Mr.VR.Shanmuganathan
Special Government Pleader

**JUDGEMENT**

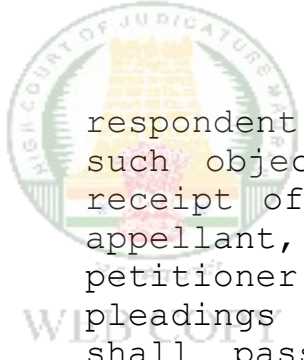
[Judgement of the Court was delivered
by **K.RAVICHANDRABAABU, J**]

This writ appeal is filed by a third party to the writ proceedings, after obtaining leave from this Court.

2.Heard both sides.

3.The writ petitioner was aggrieved against the proceedings of the second respondent herein, dated 15.12.2015, wherein and whereby, the writ petitioner was removed from the membership of the co-operative Society. Therefore, he filed the above writ petition challenging the said order in the writ petition. The learned Judge after hearing both sides and after considering the request made by both the parties for remitting the matter back to the second respondent herein for passing fresh orders, set aside the impugned order and remitted the matter back to the second respondent herein for fresh consideration with a further direction to the second respondent to pass appropriate orders on merits and in accordance with law, after considering the objections to be filed by the writ petitioner and also upon hearing him in person. It is specifically observed by the learned single Judge that while passing such order, the second respondent herein shall take into consideration the issue in respect of the jurisdiction as well.

4.Now, the present writ appeal is filed before this Court by the appellant, who is a third party in the writ petition by contending that the writ petitioner is disqualified from holding the membership of the Society. In support of such contention, the appellant wants to rely on certain facts and circumstances. We are not inclined to go into such contentions raised on merits of the matter for the simple reason that the learned single Judge has only remitted the matter back to the second respondent herein for considering the matter afresh and passing orders once again on merits and in accordance with law, after hearing the writ petitioner. If the appellant before this Court is also having any grievance against the writ petitioner in holding such membership, it is open to the appellant to approach the second respondent and file appropriate objection as against the claim made by the writ petitioner. Needless to say that if any objection is filed by the appellant, the same also shall be considered by the second respondent herein while passing fresh orders on merits and in accordance with law, as directed by the learned single Judge. When such avenue is available to the appellant, we do not find any reason to interfere with the order of the learned single Judge except to indicate further that the second respondent shall also hear the objection to be raised by the appellant while passing fresh orders as stated supra, if no order is passed by the second



respondent so far. The appellant is given two weeks time to make such objection before the second respondent, from the date of receipt of copy of this order. If any objection is filed by the appellant, it is open to the first respondent herein/writ petitioner to contest such objection by filing appropriate pleadings before the second respondent. The second respondent shall pass fresh orders as stated supra, on merits and in accordance with law, within a period of four weeks from the date of receipt of such objection by the appellant.

5. With the above observations, the Writ Appeal is disposed of. Consequently, connected Miscellaneous Petitions are also closed. No costs.

Sd/-

Assistant Registrar(AE)

/True Copy/

Sub Assistant Registrar

To

The Deputy Registrar,
Co-operative Societies, Thuckalay,
Kanyakumari District.

+1cc to The Spl. Government Pleader Sr.No.62194
+1cc to Mr.H.Velavadhas, Advocate Sr.No.61813
+1cc to Mr.M.E.Elango, Advocate Sr.No.62011

RJ2

VB/RSK/SAR3/28/05/2018/3P/5C

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