

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 28.08.2019

Coram::

The Honourable Dr.Justice G.Jayachandran

Review Application (Writ).Nos.161 & 162 of 2019

against W.P.Nos.9623 of 2019 & 29390 of 2016
& W.M.P.Nos.25143 & 25145 of 2019

1. The Repatriates Cooperative Finance and
Development Bank (REPCO Bank),
Represented by its Managing Director,
No.33, North Usman Road,
T.Nagar, Chennai - 600 017. ... Petitioner
in Review Appln. No.161 of 2019

2. The Repatriates Cooperative Finance and
Development Bank (REPCO Bank),
Represented by its Chairman,
Public and Rehabilitation Department,
Government of Tamil Nadu,
Secretariat, Fort St.George,
Chennai. ... Petitioner
in Review Appln.Nos.161 & 162 of 2019
/Respondents 3 & 4

/verus/

1. L.Prakash,
S/o.Mr.Loganathan,
Old No.203, New No.283,
4th Street, B.V.Colony,
Vyasarpady, Chennai - 600 039. ... 1st Respondent/Petitioner

2. Union of India,
Represented by its Joint Secretary,
cum Central Registrar of Cooperative Societies,
Department of Agriculture and Cooperation,
Ministry of Agriculture, Krishi Bhavan, Rajendra Prasad Road,
New Delhi - 110 001.

3. Reserve Bank of India,
Represented by its Principal Chief General Manager,
Department of Cooperative Bank Regulation,
Garment House, Dr.Annie Besant Road,
Mumbai - 400 018. ... Respondents 2 & 3
in Review Appln.Nos.161 & 162 of 2019/
Respondents 1 & 2

Prayer in Rev.Appln No.161 of 2019: Review Petition is filed under Order 47 Rule 1 of Code of Civil Procedure, praying to Review the order dated 21.08.2019 passed in W.P.No.9623 of 2019, passed by this Hon'ble Court and dismiss the Writ Petition in W.P.No.9623 of 2019.

Prayer in Rev.Appln No.162 of 2019: Review Petition is filed under Order 47 Rule 1 of Code of Civil Procedure, praying to Review the order dated 21.08.2019 passed in W.P.No.29390 of 2016 passed by this Hon'ble Court and dismiss the Writ Petition in W.P.No.29390 of 2016.

W.P.No. 9623 of 2019: Writ of Certiorarified Mandamus to call for the records on the file of the 3rd Respondent Clr. No.20/2019/ 05/ PAD dated 25.02.2019 and quash the same as illegal incompetent and without jurisdiction and further direct the Respondent not to recognize the Ordinary member as Repatriate/ (obliterate the distinction between a Repatriate and an Ordinary member as Repatriate /(Obliterate the distinction between a Repatriate and on Ordinary Member)

WP.No. 29390 of 2016: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the 1st and 2nd respondent to take necessary action to prevent the 3rd respondent from carrying on banking transactions and further take action against the erring officers.

For Petitioner : Mr.E.Om.Prakash, Senior Counsel
in Rev.Appln.No.161 of 2019 for Mr.A.Ilangovan

For Petitioner : Mr.AR.L.Sundareshan, Senior Counsel
in Rev.Appln.No.162 of 2019

For R1 : V.Raghavachari
in both cases

For R2 : Mr.Venkatasamy Babu, SPC
in both cases

For R3 : Mr.Chevanan Mohan
in both cases for M/s.King and Partridge

C O M M O N O R D E R

Heard the Learned Counsels for the Review Petitioners.

2. This Court finds no merit in the Review Applications. It appears to be an attempt to re-canvas the case again.

3. However, this Court finds that while passing the order restraining the respondents from collecting deposits, this Court has inadvertently omitted to qualify it as a 'fresh' deposits. Hence, the Learned Counsel for the Review Petitioners expresses some difficulty in renewing the existing deposits. Therefore, the word 'fresh' shall be pre-fixed before the word 'deposits' in 5th line of paragraph No. 24 of the judgment.

"24. The third respondent-Bank is directed to submit within 15 days details about the depositors to the Central Registrar for Co-operative Societies and get clearance as to the scheme/arrangement of receiving deposits and proceed further. Till such time, they are restrained from collecting the fresh deposits from any individuals, who are not repatriates of Burma, Sri Lanka, Vietnam and other countries."

4. With the above said modification, the Review Applications are disposed of. Consequently, Connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (Insp Cell)

//True Copy//

Sub Assistant Registrar

bsm

To,

1. The Joint Secretary-cum-Central Registrar of Cooperative Societies, Union of India, Department of Agriculture and Cooperation, Ministry of Agriculture, Krishi Bhavan, Rajendra Prasad Road, New Delhi - 110 001.
2. The Principal Chief General Manager, Reserve Bank of India, Department of Cooperative Bank Regulation, Garment House, Dr. Annie Besant Road, Mumbai - 400 018.

+4cc to Mr.A.Ilangovan, Advocate, S.R.No. 73988
+1cc to Mr.King & Partridge, Advocate, S.R.No. 74258
+1cc to Mr.Venkataswamy Babu, Advocate, S.R.No. 74001
+1cc to Mr.V.Raghavachari, Advocate, S.R.No.74310

Rev.Appln.(Writ).Nos.161 & 162 of 2019

CA(CO)
GN(29/08/2019)