

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.02.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.MANIKUMAR
and
THE HONOURABLE MR.JUSTICE SUBRAMONIUM PRASAD

W.P.No.3580 of 2019
and
W.M.P.No.3922 of 2019

V.Kesava Reddy ... Petitioner

Vs.

- 1.The Co-operative Societies Registrar,
170, N.V.Natrajan Maligai,
E.V.R.Periyar Road,
Chennai - 600 010.
- 2.The District Collector,
O/o. The District Collector,
Thiruvallur District,
Thiruvallur - 602 001.
- 3.The Joint Registrar,
The Co-operative Societies
O/o. The Integrated Co-operative Societies
Thiruvallur Zone,
Collector Office Building
Thiruvallur District,
Thiruvallur - 602 001.
- 4.The Deputy Registrar, सत्यमेव जयते
Co-operative Societies,
Thiruvallur District.
- 5.The Integrated Co-operative Development Project,
Avadi Bye Pass Road,
Kakkanor, Thiruvallur.
- 6.The President,
The Othappai Primary Agricultural
Co-operative Society,
Attrampakkam Village,
Thiruvallur District.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, issuance of a Writ of Mandamus, directing the 6th respondent to construct a new building for JJ 714 Othappai Primary Agricultural Co-operative Society at own property, situated in Survey No.64/2A2 at Othappai Village, Uthukotai Taluk, Thiruvallur District.

For Petitioner : Mr.S.Manoharan

For Respondents: No Appearance

O R D E R

(Order of this Court was made by S.MANIKUMAR, J.)

Claiming himself to be a public interest litigant, petitioner has sought for a Writ of Mandamus, directing the 6th respondent to construct a new building for JJ 714 Othappai Primary Agricultural Co-operative Society at own property, situated in Survey No.64/2A2 at Othappai Village, Uthukotai Taluk, Thiruvallur District.

2. Supporting the prayer sought for, it is the contention of the petitioner that the Society owns a land, measuring to an extent of 22 cents (0.9.00 hectares) in Survey No.64/2A2, Patta No.581 at Othappai Village, Uthukottai Taluk, Thiruvallur District. Office of the Society, is located within the distance of 200 meters from the main road and that the people have easy access to the said society. Now, the petitioner understands that the President, Othappai Primary Agricultural Co-operative Society, Attrampakkam Village, Thiruvallur District/6th respondent herein, has proposed to construct a new building, in Attrampakkam Village where the Society is temporarily functioning and the same is two kilometers away from highways.

3. According to the petitioner, near the place chosen for construction, there is a pond. Inasmuch as the proposed construction would affect easy access to the Society, on behalf of the members and public, the petitioner has made a representation, dated 24.12.2018, not to construct new building for the Society at own property of JJ 714 Othappai Primary Agricultural Co-operative Society, situated in Survey No.64/2A2 at Othappai Village, Uthukottai Taluk, Thiruvallur District. He sent another representation, dated 07.01.2018, not to construct the building Society at Attrampakkam Village, instead to renovate the old building or construct a new building, where the Society existed.

4. During the course of hearing, Mr.S.Manoharan, learned counsel for the petitioner submitted that the petitioner is a member of the sixth respondent/society. That be the case, attention of this Court was invited by the learned counsel for the petitioner to Section 90(b) of the Tamil Nadu Co-operative Societies Act, 1983, as to whether the petitioner could raise a dispute under Section 90(b) of the said Act. There is no answer, but the learned counsel would reiterate the averments made.

5. Heard the learned counsel for the petitioner and perused the materials available on record.

6. Section 90(b) of the Tamil Nadu Co-operative Societies Act, 1983, is extracted hereunder:-

"(b) between a member, past member or person claiming through a member, past member or deceased member and the Society, its Board or any officer, agent or servant of the Society."

7. Material on record discloses that the office of the Society, functioned at Othappai Vilallage, Uthukkottai Taluk, Thiruvallur District, was shifted temporarily to Attrampakkam Village. Certainly, there should be a valid reason for such change of location. Subsequently, the society seemed to have decided to construct the office building at Attrampakkam Village itself. Steps have been taken, only on the basis of a resolution passed by the society. If the petitioner, being a member of the society, is so aggrieved over the decision, to construct the office for society, at Attrampakkam Village, instead of renovation/new construction at the old place, such dispute can always be raised before the Registrar of Co-operative Societies, under Section 90(b) of the Tamil Nadu Co-operative Societies Act, 1983.

8. When there is an effective or alternative remedy, provided under the statute, we are not inclined to entertain the writ petition. Hence, the instant writ petition is dismissed. No Costs.

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Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

- 1.The Co-operative Societies Registrar,
170, N.V.Natrajan Maligai,
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+lcc to Mr.S.Manoharan, Advocate Sr.12422

सत्यमेव जयते

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and

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ssd[co]
srg 26/03/2019

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