

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 10.06.2019

Coram:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Writ Petition No.6168 of 2019
& W.M.P.No.7005 of 2019

V.Mohan,
S/o.Viswanathan,
No.1/134, Mariamman Koil Street,
Chettiyappanur Village and Post,
Vaniampadi Taluk, Vellore District. ... Petitioner

/versus/

1. The Registrar of Cooperative Societies,
No.170, E.V.R, Periyar High Road,
Kilpauk, Chennai-600 010.
2. The Joint Registrar of Cooperative Societies,
Vellore Region at Vellore.
3. The Deputy Registrar of Cooperative Societies,
Societies/Arbitrator, Thiruppattur Circle, Vellore District.
4. Mr.P.Muniraju,
Deputy Registrar of Co-operative Societies,
(Full Addl.Incharge), Thirupattur, Vellore District.
5. No.C.1363, K.Chettiyappanur Primary Agricultural
Co-operative Bank Ltd., rep. by its President,
Chettiyappanur Village and Post,
Vaniampadi Taluk, Vellore District. ... Respondents

Prayer:- This Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents 1 and 2 to replace the 4th respondent with some other Officer of same rank or superior rank to conduct and hear the parties in the Election Dispute Petition filed by the Petitioner under Section 90 of the Tamil Nadu Cooperative Societies Act, 1983 vide Dispute No.315/2018-2019 Sa.Pa.

For Petitioner : Mr.I.Murugan

For R1 to R3 : Mr.L.P.Shanmugasundaram
Special Government Pleader

For R4 : Mr.N.Umapathi

For R5 : Mr.Naveen Kumar

O R D E R

Heard the Learned Counsel for the petitioner and Learned Counsel for the respondents.

2. The grievance of the petitioner herein is that the Joint Registrar of Co-operative Societies/2nd respondent is the Arbitrator Presiding over the election dispute raised by him. While so, in response to his request under the Right to Information Act, 2005, 2nd respondent has given a reply stating that he cannot restrain the General Body Meeting of the democratically elected members of the Societies.

3. It is the contention of the learned counsel for the petitioner that, when the Election Petition challenging the process of election of the members is pending, the statement made by the 4th respondent/the Deputy Registrar of Co-operative Societies that the members are democratically elected discloses his pre-determine. Hence, the 4th respondent/Deputy Registrar of Co-operative Societies has to be replaced by some other Officer of the same rank or superior rank, to conduct and hear the Election Petition dispute filed by the petitioner.

4. On perusing the communication of the 4th respondent/P.Muniraju, Deputy Registrar of Cooperative Societies, dated 23.01.2019, addressed to the writ petitioner, in response to his request under the Right to Information Act, 2005, he has only made statement of facts. It does not indicate any biased intention or prejudice to doubt his credential, as an Arbitrator to decide the Election Dispute, pending before him.

5. The petitioner herein, who is aggrieved by the manner, in which, the election was conducted and has resorted to the statutory remedy, need not doubt the impartiality of the Presiding Office, just because, he has communicated to him regarding the legality of the proposed General Body Meeting. Therefore, this Court finds no reason to entertain the writ petition. Since, the Election Dispute is pending for more than 6 months, it is appropriate to direct the 3rd respondent/The

Deputy Registrar of Cooperative Societies, to complete the Election Dispute Petition filed by the writ petitioner, within the period of 60 days, from today.

6. Accordingly, the Writ Petition is disposed of. Consequently, the connected Miscellaneous Petition is closed. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To,

1. The Registrar of Cooperative Societies,
No.170, E.V.R, Periyar High Road,
Kilpauk, Chennai-600 010.
2. The Joint Registrar of Cooperative Societies,
Vellore Region at Vellore.
3. The Deputy Registrar of Cooperative Societies,
Societies/Arbitrator, Thiruppattur Circle, Vellore District.
4. Mr.P.Muniraju,
Deputy Registrar of Co-operative Societies,
(Full Addl.Incharge), Thirupattur, Vellore District.
5. The President,
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 Sr.46491

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