

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.03.2019

CORAM

THE HONOURABLE Mr.JUSTICE D.KRISHNAKUMAR

W.P.No.6930 of 2019

A.Palaniappan

...Petitioner

Vs.

- 1 The Tamil Nadu State Co-operative Societies Election Commission,
Rep. by its Seceretary No.273,
Kamadhenu Super Market,
Anna Salai, Chennai - 600 018.
- 2 The Registrar ,
Co-operative Societies,
Nandanam Chennai - 600 035.
- 3 The District Election Officer /
Joint Registrar, Co-operative Societies,
Salem Region, Salem, Salem District.
- 4 The K.K.238 PN Patty-Veerakkal Pudur
Primary Agricultural Co-operative Credit Society (PACCS),
Rep. by its Secretary P.N.Patty-Raman Nagar,
Mettur Taluk, Salem District.
- 5 M.Vijayaraghavan ,
President K.K.238 PN Patty-Veerakkal Pudur
Primary Agricultural Co-operative Credit
Society (PACCS) No.9-1/226A Indra Nagar,
Puduchampalli Ram Nagar,
Mettur Dam - 3, Salem District. Respondents

Prayer:- The Writ Petition is filed under Article 226 of the Constitution of India, seeking for issuance of Writ of Mandamus, directing the second respondent to take appropriate action against the fifth respondent under Section 34(6) of Tamil Nadu Co-operative Societies Act by considering the application of the petitioner dated 13.02.2019 within a time frame.

For Petitioner : Mr.M.R.Jothimanian
For Respondents : Mr.M.S.Palaniswamy
Standing Counsel for R1

Ms.T.Girija
Government Advocate for R2 and R3

Mr.L.P.Shanmugasundaram
Special Government Pleader for R4

O R D E R

Mr.M.S.Palaniswamy, learned Standing Counsel takes notice for the first respondent; Ms.T.Girija, learned Government Advocate takes notice for the respondents 2 and 3; Mr.L.P.Shanmugasundaram, learned Special Government Pleader takes notice for the fourth respondent. By consent, the Writ Petition is taken up for final disposal at the admission stage itself.

2. The prayer in the Writ Petition is for issuance of Writ of Mandamus, directing the second respondent to take appropriate action against the fifth respondent under Section 34 (6) of Tamil Nadu Co-operative Societies Act by considering the application of the petitioner dated 13.02.2019 within a time frame.

3. According to the petitioner, the fifth respondent is a defaulter in Canara Bank, Mettur Branch and not qualified to act as President or Director. Hence, he made a representation to the Registrar and Joint Registrar of Co-operative Societies on 13.02.2019, seeking disqualification of the fifth respondent, under Section 34(6) of the Tamil Nadu Co-operative Societies Act. Since the said representation was not evoked any response, the petitioner is before this Court.

4. The learned Government Advocate appearing for the respondents 2 and 3 submitted that the second respondent will consider the representation of the petitioner in accordance with law.

5. In the light of the submissions made by the learned counsel on either side and also considering the limited scope of prayer sought for in this writ petition, this Court, without going into merits of the case, directs second respondent to consider the representation of the petitioner dated 13.02.2019, on merits and in accordance with law, after providing an opportunity to all necessary parties, within a period of twelve

weeks from the date of receipt of a copy of this order.

6. With the above direction, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar (CS V)

//True Copy//

Sub Assistant Registrar

rns

To

1. The Tamil Nadu State Co-operative Societies Election Commission,
Rep. by its Seceretary No.273,
Kamadhenu Super Market,
Anna Salai, Chennai - 600 018.
2. The Registrar ,
Co-operative Societies,
Nandanam Chennai - 600 035.
3. The District Election Officer /
Joint Registrar, Co-operative Societies,
Salem Region, Salem, Salem District.

+2ccs to Mr.L.P.Shanmugasundaram, Advocate, S.R.No.22948 & 22673
+1cc to Mr.M.R.Jothimanian, Advocate, S.R.No.22792
+2ccs to the Government Pleader, S.R.No.23215, 22668.

W.P.No.6930 of 2019

GJ (CO)

RRS (23/04/2019)

सत्यमेव जयते

WEB COPY