

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 21.06.2019

CORAM:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

W.P.No.16201 of 2019
and M.P.No.15913 of 2019

R.Ellan

... Petitioner

Vs

1. The Deputy Registrar of Cooperative Societies,
Madurantagam Circle,
Kanchipuram District 603 306.
2. The Sub Registrar of Cooperative Societies,
Chithamur Village and Post,
Kanchipuram District.
3. Radhakrishnan,
Member
G.1424, Kannimangalam Primary
Agricultural Cooperative Credit Society,
Chithamur Village and Post
Kanchipuram District. Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Certiorari calling for the records relating to the impugned order dated 30.05.2019 passed in Na.Ka.2385/2018 A3 on the file of the 1st respondent herein, quash the same.

For Petitioner : Mr.K.Govi Ganesan

For Respondents: Mr.C.P.Shanmuga Sundaram,

Special Government Pleader for R1 & R2

O R D E R

The prayer in the Writ Petition is for issue of Writ of Certiorari, calling for the records relating to the impugned order dated 30.05.2019 passed in Na.Ka.2385/2018 A3 on the file of the 1st respondent herein, quash the same.

2. Since the impugned order passed found to be improper this Court directs the respondents to take notice and to justify the

vires of the impugned order. The facts of the case is that Ellan who is the President of Kannimangalam Primary Agricultural Cooperative Credit Society was directed by the Deputy Registrar of Cooperative Societies, Madurantagam Circle, Kanchipuram District to step down from his post, since one of the staff in the said society by name Raman is related to the petitioner Ellan and that relationship falls within the prohibited relationship as mentioned under Rule 63 of the Tamil Nadu Cooperative Societies Rules. The petitioner admits that his grand father and Raman's grand father are blood brothers. However, Rule 63 does not prohibit the said relationship. For the said purpose, Rule 63 of the Tamil Nadu Cooperative Societies Rules, 1988 is extracted as follows:-

- "1. Spouse (wife or husband)
2. Father (including step-father)
3. Mother (including step-mother)
4. Brother (including step-brother)
5. Sister (including step-sister)
6. Son (including step-son)
7. Daughter (including step-daughter)
8. Brother's wife, son and daughter
9. Sister's husband, son and daughter
10. Son's Wife, son and daughter
11. Daughter's husband, son and daughter
12. Spouse's father and mother
13. Spouse's brother, his wife, son and daughter
14. Spouse's sister, her brother, son and daughter
15. Father's brother, his wife, son and daughter
16. Mother's brother, his wife, son and daughter
17. Father's sister, her husband, son and daughter
18. Mother's sister, her husband, son and daughter
19. Father's mother and mother
20. Mother's father and mother"

3. It is only the first degree cousin being prohibited and not the second. In this case, Raman and Ellan does not fall under the prohibited relationship, which are listed under Rule 63. Therefore, the impugned order is quashed and the writ petition is allowed. No costs. Connected miscellaneous petition is also closed.

-s/d-

Assistant Registrar(CS-II)

True Copy

Sub-Assistant Registrar

To

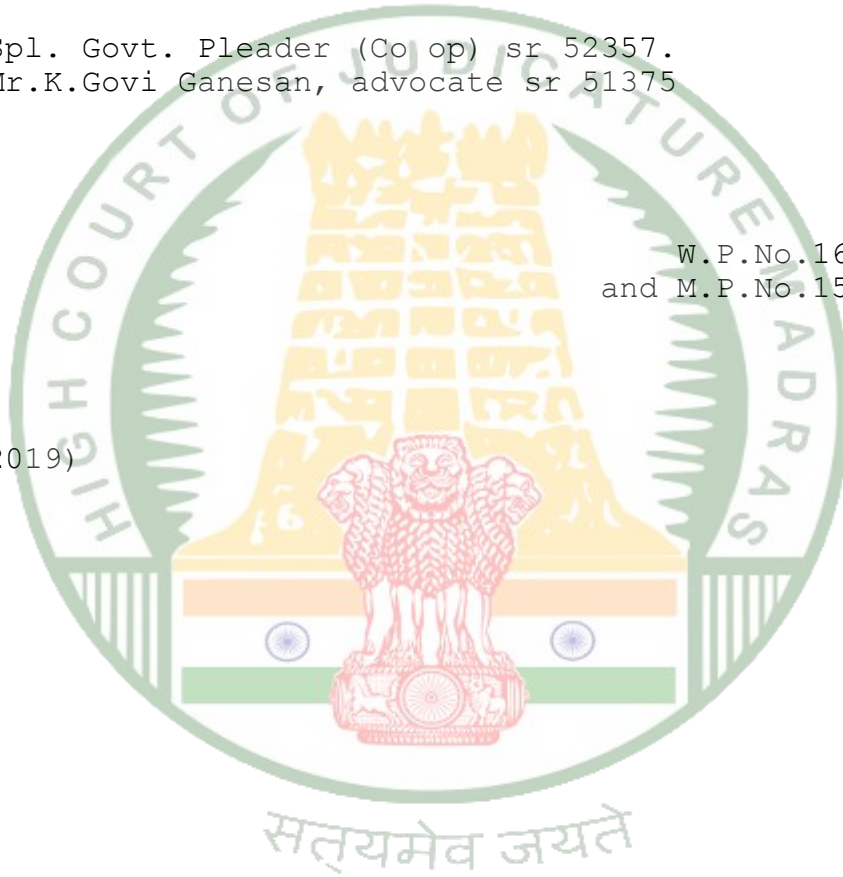
1. The Deputy Registrar of
Cooperative Societies,
Madurantagam Circle,
Kanchipuram District 603 306.
2. The Sub Registrar of Cooperative Societies,
Chithamur Village and Post,
Kanchipuram District.

+1 CC to Spl. Govt. Pleader (Co op) sr 52357.

+1 CC to Mr.K.Govi Ganesan, advocate sr 51375

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SJ(CO)
SP(25/07/2019)



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