

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :21.10.2019

Coram:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Writ Petition No.29384 of 2019
and
W.M.P.No.29225 of 2019

Muthuvel

.. Petitioner

/versus/

1.The Register of Co-operative Societies,
The Government of Tamil Nadu,
No.170, NVN Maligai,
EVR Salai,
Kilpauk, Chennai.

2.The Joint Register of Co-operative Societies,
Ramanathapuram.

3.The Assistant Register of Co-operative Societies,
Ramanathapuram. .. Respondents

Writ Petition filed under Article 226 of the
Constitution of India praying to issue a Writ of Mandamus
directing the 1st respondent to dispose of the petitioner's
appeal dated 22.10.2018 within the stipulated time prescribed by
this Court.

For Petitioner :Mr.T.Muruganantham

For Respondents :Ms.T.Girija, GA

O R D E R

The prayer in the writ petition is to issue a Writ of
Mandamus directing the 1st respondent to dispose of the
petitioner's appeal dated 22.10.2018 within the stipulated time
prescribed by this Court.

2.The petitioner herein is presently the President of
Arasur Primary Agriculture Co-operative Credit Society. Earlier
while he was a member of the Society, proceedings under Section

81 of Co-operative Societies Act was initiated for misappropriation and shortage of fertilizer and he was removed from the post. Considering that the proceedings initiated under Section 81 of the Co-operative Societies Act and earlier removal is a disqualification to hold the post of the President at present. Hence, a show cause notice was issued to him on 04.02.2019. In the present writ petition, the petitioner herein states that the action taken against him under Section 81 is now subject matter of the appeal before the Registrar of Co-operative Society under Section 152(2)(a)(V) of the Co-operative Societies Act and therefore, the show cause notice has to be stayed pending disposal of the appeal dated 22.10.2018.

3. This Court is not inclined to stay the show cause notice since no adverse order is passed against the petitioner herein except calling him to submit his explanation regarding the alleged disqualification. However, since his appeal is pending with the first respondent from 22.10.2018, it is suffice to direct the first respondent to dispose of the appeal within a period of 12 weeks from today.

4. Accordingly, this writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The Register of Co-operative Societies,
The Government of Tamil Nadu,
No.170, NVN Maligai,
EVR Salai, Kilpauk, Chennai.

2.The Joint Register of Co-operative Societies,
Ramanathapuram.

3.The Assistant Register of Co-operative Societies,
Ramanathapuram.

+1 cc to M/s.T.Muruganantham,Advocate Sr.No. 88339
+1 cc to The Special Government Pleader SR.No.88205

AKM/22.11.19/2P-6C /

W.P.No.29384 of 2019