

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 24.01.2019

CORAM

THE HONOURABLE MRS. JUSTICE PUSHPA SATHYANARAYANA

W.P.No.31250 of 2018

P.Thanapal

.. Petitioner

Vs.

1. The Secretary to the Government of India,
Ministry of Agriculture and Former Welfare,
Krishi Bhawan, Room No.120, 1st Floor,
Dr.Rajendraprasad Road, New Delhi 110 001.
2. The Joint Secretary to Government of India,
The Central Registrar of Co-operative Societies,
Room No.224, Department of Agriculture & Co-operation,
Ministry of Agriculture. Krishi Bhawan,
New Delhi - 110 001.
3. The Repatriate Co-operative Finance
& Development Bank Ltd., (REPCO Bank),
Rep. By its Managing Director,
Having Office at No.33, North Usman Road,
T.Nagar, Chennai 017.

.. Respondents

R3 Impleaded vide Court order dated 08.01.2019
made in WMP No.679/19 in WP No.31250/18 by PSNJ

PRAYER : Writ Petition filed Under Article 226 of the
Constitution of India praying to issue a Writ of Mandamus,
directing the respondents to consider and pass orders on the
representation made by the petitioner dated 10.10.2018.

For Petitioner : Mr.R.Dhineshkumar
For Respondents : Mr.G.Babu, CGSC, for R1 & R2

Mr.Omprakash, Senior Counsel
for Mr.A.Ilangovan for R3

O R D E R

The petitioner has come up with this writ petition seeking a direction to the respondents 1 and 2 to consider and pass orders on the representation dated 10.10.2018, made by him.

2. Heard Mr.R.Dhineshkumar, learned counsel appearing for the petitioner, Mr.G.Babu, learned Central Government Standing Counsel appearing for the respondents 1 and 2 and Mr.Om Prakash, learned Senior Counsel appearing for Mr.A.Ilangovan, for the third respondent-REPCO Bank.

3. According to the learned counsel for the petitioner, the petitioner has submitted a representation dated 10.10.2018 seeking to supersede the present Board of Directors of REPCO Bank to appoint an Administrator, as per the provisions of bye-laws of the Bank, but, the same is yet to be disposed of by the respondents 1 and 2. Hence, the petitioner is before this Court.

4. While the matter was pending, the third respondent Repatriates Co-operative Finance and Development Bank (REPCO Bank) was impleaded. The learned counsel for the Bank points out that though originally the petitioner was a certified member of the REPCO Bank and has been duly elected as a delegate of Padi constituency, subsequently, the petitioner was removed as a delegate of Padi Constituency of the Bank based on the representation made by the delegates, requesting to take action against the petitioner. Therefore, the General Body unanimously passed a resolution, resolving to terminate the petitioner from the post of delegate and also to expel him from the primary "A" Class Membership of the Bank under the provisions of the Multi State Co-operative Societies Act, 2002 and Bylaw No. 12 (1) of the Bank. Therefore, it is the objection of the Bank that the petitioner does not have locus standi to maintain the Writ Petition and ask for a Mandamus.

5. Mr.G.Babu, learned Central Government Standing Counsel appearing for respondents 1 and 2 would contend that the petitioner cannot challenge the Act and the Bye-laws, when he has got no right to the same.

6. Be that as it may, the representation has been made as early as on 10.10.2018 and it is kept pending till today. Considering the facts and circumstances of the case and the submissions made on either side, this Court without expressing any opinion on the merits of the representation, directs the first and second respondents to consider the petitioner's representation dated 10.10.2018, adverting to the subsequent

removal of the petitioner, as pointed out by the third respondent counsel and dispose of the petitioner representation suitably within a period of four weeks from the date of receipt of a copy of this order.

7. With the above directions, this writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

jv

To

1. The Secretary to the Government of India,
Ministry of Agriculture and Former Welfare,
Krishi Bhawan, Room No.120, 1st Floor,
Dr.Rajendraprasad Road, New Delhi 110 001.
2. The Joint Secretary to Government of India,
The Central Registrar of Co-operative Societies,
Room No.224, Department of Agriculture & Co-operation,
Ministry of Agriculture. Krishi Bhawan,
New Delhi - 110 001.
3. The Managing Director,
Repatriate Co-operative Finance
& Development Bank Ltd., (REPCO Bank),
Having Office at No.33, North Usman Road,
T.Nagar, Chennai 017.

+1 cc to Mr.R.Dhinesh Kumar, Advocate Sr.No.5585

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AD(CO)
CSL/26.02.2019

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