

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.07.2020

CORAM:

THE HONOURABLE Mr. JUSTICE N. ANAND VENKATESH

W.P.No.9158 of 2020

S.Ramamoorthy

..Petitioner

.Vs.

1. The Deputy Registrar of Co-operative Societies,
Chidambaram Circle, Chidambaram,
Cuddalore District.

2. N.Asaithambi

3. T.Kalyanasundaram

4. K.Madhanavali

.. Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 1st respondent to disqualify the respondents 2 to 4 from holding the post of Board of Directors in the K.Adur Primary Agricultural Cooperative Credit Society, K.Adur Post, Chidambaram Taluk, Cuddalore District by invoking under Section 34(1)(h)(1) of Tamil Nadu Cooperative Societies Act by disposing the written representation made by the petitioner on 12.03.2020.

For Petitioner : Mr.C.prakasam

For Respondents : Mr.L.P.Shanmugasundaram
Special Government Pleader

ORDER

This writ petition has been filed seeking for the issue of a writ of mandamus directing the 1st respondent to consider the representation made by the petitioner wherein, the petitioner has sought for disqualification of the respondents 2 to 4 from holding the post of the Board of Directors.

2.The case of the petitioner is that he is the Vice President of the Co-operative Society and he is one of the Board

of Directors of the Society and he has been entrusted with the work of the President since the incumbent President expired while he was holding the post. The further case of the petitioner is that respondents 2 to 4 who were elected unopposed are not even in a position to read or write and they are illiterates and therefore, they are disqualified from holding the post of Directors in the Board as per Section 34(1) (h) (i) of the Tamil Nadu Co-operative Societies Act. The petitioner has made a representation in this regard to the 1st respondent on 12.03.2020 and since the same was not considered, the present writ petition has been filed before this Court seeking for appropriate directions.

3.This Court has carefully considered the submissions made on either side and the materials available on record.

4. Taking into consideration the facts and circumstances of the case and the limited relief sought for and without going into the merits of the case, there shall be a direction to the 1st respondent to consider the representation made by the petitioner on 12.03.2020 and deal with the same strictly in accordance with law after issuing notice to respondents 2 to 4 and after hearing them. The 1st respondent shall pass appropriate orders within a period of six weeks from the date of receipt of copy of this order. The petitioner is directed to make a fresh representation to the 1st respondent along with a copy of this order.

This writ petition is disposed of with the above directions. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

KP

To
The Deputy Registrar of Co-operative Societies,
Chidambaram Circle, Chidambaram,
Cuddalore District.

+1 cc to The Government Pleader, Sr.No. 24810

W.P.No.9158 of 2020

RMP (06/08/2020)