

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.11.2020
CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.15248 of 2020
and WMP. No.19074 of 2020

E.Manikam

...Petitioner

Vs.

1. The Deputy Registrar of Co-operative Societies,
Cheyyar Circle,
Tiruvannamalai District.
2. P.Arulnandam
3. HH256, Nedumpirai Primary Agricultural
Cooperative Credit Society Ltd.,
Rep. By its Secretary,
Cheyyar, Tiruvannamalai District.

...Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, directing the first respondent to remove the second respondent acting as President and Board of Director of the H.H.256, Nedumpirai Primary Agricultural Cooperative Credit Society Ltd., Cheyyar, Tiruvannamalai district under Section 34 (1) (b) (i) read with Rule 38 of the Tamil Nadu Co-operative Societies Act.

For Petitioner : Mr.M.S.Palanisamy

For Respondents: Ms.T.Girija - R1

Additional Government Pleader

Mr.L.P.Shanmugasundaram - R3

Special Government Pleader

O R D E R

This writ petition has been filed for the issue of a writ of mandamus directing the first respondent to take action against the second respondent under Section 34(1)(b)(i) of Tamil Nadu Co-operative Societies Act, 1983 read with Rule 38 of Tamil Nadu Co-operative Societies Rules, based on the representation made by the petitioner on 24.09.2020.

2. The case of the petitioner is that the second respondent suffers from disqualification, since he is a defaulter, who did

not repay the loan that was received from the Cheyyar Cooperative Primary Agricultural and Rural Development Bank in the year 2009. The further case of the petitioner is that a resolution was also passed by the third respondent Society in this regard on 11.08.2018. The petitioner made a representation on 24.09.2020 to the first respondent to take action against the second respondent, since the second respondent is disqualified from holding the post as President. Since the representation was not considered, the present writ petition has been filed before this Court for appropriate directions.

3. Heard Mr.M.S,Palanyswamy, learned counsel appearing on behalf of the petitioner, Mrs.T.Girija, learned Additional Government Pleader, appearing on behalf of the first respondent.

4. Taking into consideration the facts and circumstances of the case and the limited relief sought for in this writ petition, there shall be a direction to the first respondent to consider the representation made by the petitioner on 24.09.2020 by conducting an enquiry after affording opportunity to the petitioner and the second respondent and shall pass orders strictly in accordance with law, within a period of six weeks from the date of receipt of a copy of this order. The petitioner is directed to make a fresh representation to the First respondent along with all the relevant documents and also a copy of this order.

5. This Writ Petition is disposed of with the above directions. Consequently, connected miscellaneous petition is also closed. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

rli
To

The Deputy Registrar of Co-operative Societies,
Cheyyar Circle,
Tiruvannamalai District.

+1 CC to Mr.M.S.Palanisamy, Advocate sr 35135
+1 CC to The Govt. Pleader sr 35604.

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SSV(CO)
SP(04/12/2020)