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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.08.2021

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P. No.1440 of 2009 and
MP.Nos.2 and 3 of 2009

T.Rathinavelu

...Petitioner

Vs.

1.The Secretary to Government of Tamil Nadu
Co-operation, Food and Consumer Protection Department,
Fort St. George, Chennai - 600 009.

2.The Secretary to Government of Tamilnadu,
Personnel and Administrative Department,
Fort St. George, Chennai-600 009.

3.The Registrar of Co-operative Societies,
No.170, E.V.R. Periyar High Road,
Kilpauk, Chennai-600 010.

4.The Joint Registrar of Co-operative Societies,
Dharmapuri Region,
Dharmapuri District.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue Writ of Certiorari, calling for the records of the 3rd respondent in his circular No.9/2004 dated 8.11.2004 quash the same.

For Petitioner : Mr.M.S.Palaniswamy

For Respondents : Mr.C.Selvaraj
Government Advocate



O R D E R

This writ petition has been filed in the year 2009, challenging an order of the third respondent being the Registrar of Co-operative Societies, which is dated 08.11.2004. Order dated 08.11.2004 is a Circular issued by the Registrar of Co-operative Societies to the effect that empanelment of persons on promotion shall not be considered, if surcharge action initiated in terms of Section 87 of the Tamil Nadu Co-operative Societies Act, 1983 (in short 'Act') was pending. The Regional Joint Registrars have been requested to keep the aforesaid point in mind while preparing the proposals/panels for promotion.

2.The petitioner only challenges the circular. There is no order rejecting an application for promotion in his case wherein the aforesaid circular has been applied or invoked. My attention is drawn to a communication in Rc.No.1840/2007/PA1, dated 19.12.2008, which does not contain anything adverse to the interests of the petitioner.

3.In such circumstances, I find no legitimate and actionable cause of action and the challenge to the circular is rendered academic. The writ petition is dismissed. However, the question raised by the petitioner as to whether the initiation of surcharge proceedings under Section 87 of the Act would be a bar from empanelment is left open to be decided in an appropriate case where such proposition has in fact arisen. No costs. Connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-VII)

//True Copy//

Sub Assistant Registrar

VS

To

1.The Secretary to Government of Tamil Nadu
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Fort St. George, Chennai - 600 009.



2.The Secretary to Government of Tamilnadu,
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3.The Registrar of Co-operative Societies,
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4.The Joint Registrar of Co-operative Societies,
Dharmapuri Region,
Dharmapuri District.

+1cc to Mr.M.S.Palaniswamy, Advocate, S.R.No.42950

+1cc to the Government Pleader, S.R.No.43022

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SRA(CO)
SB(27/09/2021)