

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 23.06.2021

Coram

The Honourable Mr.Justice D.KRISHNAKUMAR

W.P.No.13037 of 2021

M.S.Pandian

...Petitioner

Versus

1.The Registrar of Co-operative Societies,
Kilpauk, Chennai - 600 010.

2.Dr.A.Jeeva,
Joint Registrar of Co-operative Societies
working as Managing Director,
Madurai District Central Co-operative Bank,
Madurai.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the first respondent to take suitable disciplinary action as against the second respondent considering the petitioner's representation dated 25.05.2021.

For Petitioner : Mr.P.H.Arvinth Pandian,
Senior Counsel
for Mr.L.P.Shanmugasundaram

For Respondents : Mr.A.Selvendran,
Government Advocate

O R D E R

(The case has been heard through video conference)

The relief sought for in the present writ petition is to direct the first respondent to take suitable disciplinary action as against the second respondent by considering the petitioner's representation dated 25.05.2021.

2. It is the case that the petitioner is the elected President of the Madurai District Central Co-operative Bank. As per bye-law, the Director's Board Meeting should be convened once in three months, however, Election Code of Conduct

prevailed owing to the State Assembly Elections till the declaration of election results. The petitioner has made representations to the second respondent, requesting him to convene the Director's Board Meeting.

2.1. Instead of considering the petitioner's request, the second respondent has harassed the petitioner owing to change of Guard in the State Government and he was doing all sorts of illegal activities to stall the entire administration of the Madurai District Central Co-operative Bank. Therefore, the petitioner gave a representation dated 25.05.2021 to the first respondent since the first respondent is the controlling authority of the Bank and Head of the Department, however, the same was not yet considered by the first respondent.

3. The learned Senior counsel for the petitioner would submit that the petitioner impleaded the second respondent as a party in his personal capacity only for the reason that the second respondent is indulging in all illegal activities to stall the entire administration of the Bank. The petitioner has no personal enmity with the second respondent. He would further submit that it is suffice that if the petitioner's representation is duly considered by the first respondent and appropriate order are passed therein.

4. The learned Government Advocate appearing for the respondents made his objection for impleading the second respondent as a party to the proceedings. He would submit that the representation made by the petitioner is pending and the same would be duly considered by the first respondent and appropriate orders would be passed therein.

5. Heard the learned counsel on both sides.

6. The learned Government Advocate seeks clarification with regard to the prayer sought for by the petitioner in this petition, however, in view of the submissions made by the learned Senior counsel for the petitioner, it is not necessary to give any clarification for the same.

7. As far as this case is concerned, the first respondent is the Authority to take appropriate action against the second respondent.

8. Considering the submissions made by the learned counsel on both sides, this Court directs the first respondent to consider the petitioner's representation dated 25.05.2021 and pass appropriate orders on merits and in accordance with law, as expeditiously as possible, within a period of three weeks from the date of receipt of a copy of this order.

9. This Writ Petition is disposed of with the above direction. No costs.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

The Registrar of Co-operative Societies,
Kilpauk, Chennai - 600 010.

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SSN(CO)
SP(29/06/2021)



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