

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 05.01.2021

CORAM

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.20474 of 2020
(Heard through VC)

A.Duraisamy,
Manager,
S-1565, Palace Nagar Co-operative
Housing Society Ltd.,
Cherry Road,
Salem - 636 001. ... Petitioner

-vs-

- 1.The Registrar of Co-operative Societies (Housing),
No.48, Ritherdon Road, 2nd Floor,
Vepery,
Chennai - 600 007.
- 2.The Deputy Registrar of Co-operative Societies (Housing),
Fairlands,
Salem - 636 016.
- 3.The President,
S.1565 Palace Nagar Co-operative,
Housing Society Ltd.,
Palace Towers,
Cherry Road,
Salem - 636 001. .. Respondents

Prayer: Petition filed under Article 226 of Constitution of India to issue a Writ of Mandamus directing the respondents 1 and 2 to consider and pass orders on the representation of the petitioner dated 02.12.2019 within a stipulated period.

For Petitioner : Mr.K.Selvaraj

For Respondents1 & 2 : Mr.L.P.Shanmugasundaram
Special Government Pleader

O R D E R

The writ petition has been filed seeking a direction to the respondents 1 and 2 to consider and pass orders on the representation of the petitioner dated 02.12.2019 within a stipulated period.

2. Mr.L.P.Shanmugasundaram, learned Special Government Pleader takes notice on behalf of the respondents 1 and 2. By consent of both parties, the writ petition is taken up for final disposal at the admission stage itself.

3. The case of the petitioner is that he is functioning as a Secretary-in-charge pursuant to the resolution passed by the third respondent-Society. It is his further case that the third respondent herein due to his personal enmity against the petitioner, by order dated 29.11.2019, directed the petitioner to hand over the charge of Secretary to his junior most employee. In obedience to the order, he has handed over the charge to the said person on 29.11.2019. In this regard, the petitioner has submitted a representation dated 02.12.2019 to the respondents 1 and 2. But, so far, no orders have been passed.

4. Mr.L.P.Shanmugasundaram, learned Special Government Pleader appearing for the respondents 1 and 2 would submit that the third respondent-Society has to decide about the posting, appointment or promoting a person on permanent basis as a Secretary and a resolution will be forwarded to the first and second respondents, who will sanction, taking into consideration the request of the third respondent and the respondents 1 and 2 have no role to play with regard to promotion or appointment of any persons as Secretary.

5. Since the decision has got to be taken only by the third respondent-Society and that the first and second respondents are only a sanctioning authority, the writ petition against the third respondent is not maintainable before this Court in view of the judgment of this Court in K.Marappan vs. The Deputy Registrar of Co-operative Societies, Namakkal Circle, Namakkal and another reported in 2006-4-L.W.495, as the petitioner seeks the relief against the Co-operative Society in this case.

6. In view of the above, this writ petition is dismissed. The dismissal of the writ petition is not a bar for the petitioner to work out his remedy before the appropriate forum, as the relief sought for by the petitioner cannot be granted by this Court. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

Rsi

To

1.The Registrar of Co-operative Societies (Housing),
No.48, Ritherdon Road, 2nd Floor,
Vepery,
Chennai - 600 007.

2.The Deputy Registrar of Co-operative Societies (Housing),
Fairlands,
Salem - 636 016.

+1cc to Mr.K.Selvaraj, Advocate, S.R.No. 574

+1cc to the Special Government Pleader(Co.OP), S.R.No. 503

W.P.No.20474 of 2020

SV(CO)
GN(12/02/2021)



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