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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.07.2021

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

W.P.NO.29549 OF 2018 &
W.M.P.NO.34505 OF 2018

S.Appoji Reddy ...Petitioner

-Vs-

1. The Deputy Registrar of Co-operative Societies,
   Hosur Circle,
   Krishnagiri District.

2. S.2004, Masinaikanpalli Primary
   The Agricultural Co-operative Credit Society Ltd.,
   Rep. by its Secretary,
   Masinaickanpalli,
   Hosur Taluk, Krishnagiri District.

3. M.Ramamoorthy,
   The President,
   S.2004, Masinaikanpalli Primary
   The Agricultural Co-operative Credit Society Ltd.,
   Masinaickanpalli,
   Hosur Taluk, Krishnagiri District.

4. G.Krishnamoorthy,
   The Vice-President,
   S.2004, Masinaikanpalli Primary
   The Agricultural Co-operative Credit Society Ltd.,
   Masinaickanpalli,
   Hosur Taluk, Krishnagiri District.

5. Tmt.Manjula,
   The Board Member,
   S.2004, Masinaikanpalli Primary
   The Agricultural Co-operative Credit Society Ltd.,
   Masinaickanpalli,
   Hosur Taluk, Krishnagiri District. ... Respondents

Prayer:- Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent to remove the respondents 3 to 5 from acting as President, Vice-President and Board Member of S.2004, Masinaikanpalli Primary Agricultural Co-operative Credit Society

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Ltd., Masinaickanpalli, Hosur Taluk, Krishnagiri District under Section 34 (1) (b) (i) r/w Rule 38 of the Tamilnadu Co-operative Societies Act and Rules.

For Petitioner : Mr.M.S.Palaniswamy

For Respondents : Mr.M.R.Gokul Krishnan, GA for R1
Mr.L.P.Shanmugasundaram, for R2
Mr.P.Raja for R3
Mrs.Eliza Ravi for RR4 & 5.

ORDER

This Writ Petition has been filed seeking a direction to the first respondent to remove the respondents 3 to 5 from acting as President, Vice-President and Board Member of S.2004, Masinaikanpalli Primary Agricultural Co-operative Credit Society Ltd., Masinaickanpalli, Hosur Taluk, Krishnagiri District under Section 34 (1) (b) (i) r/w Rule 38 of the Tamilnadu Co-operative Societies Act and Rules.

2. The case of the petitioner is that the respondents 3 to 5 have not disclosed their disqualification to contest the election and they were elected as the members of the Governing body in the respondent Society. Thereafter, the respondents 3 & 4 were elected as the President and the Vice President in the respondent Society. They are the defaulters since they have not repaid the loan received from the Society within due date and on the date of filing their nomination papers to contest the election, they should not have any dues payable by them to the Society. In this regard, the petitioner made a representation dated 20.09.2018 to the first respondent to remove the respondents 3 to 5 as they were disqualified to be acted as President, Vice-President and Board member in the respondent Society. However, no action has been forthcoming by the respondent. Hence, the present Writ Petition has been filed.

3. Heard both sides.

4. The learned counsel appearing for the respondents would submit that the aforesaid allegations are incorrect and the private respondents have also placed all the materials before the first respondent denying all the allegations against them.

5. In view of the submissions made and also considering the limited prayer made by the petitioner, without expressing any opinion, this Courts directs the first respondent to consider the petitioner's representation dated 20.09.2018 under

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Section 34 (1) (b) (i) r/w Rule 38 of the Tamilnadu Co-operative Societies Act expeditiously and pass appropriate orders on merits and in accordance with law within a period of twelve (12) weeks from the date of receipt of a copy of this order, if necessary after providing an opportunity of fair and effective hearing to the parties concerned.

6.The Writ Petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1. The Deputy Registrar of Co-operative Societies,
   Hosur Circle,
   Krishnagiri District.

2. The Secretary,
   S.2004, Masinaikanpalli Primary
   The Agricultural Co-operative Credit Society Ltd.,
   Masinaickanpalli,
   Hosur Taluk, Krishnagiri District.

+1cc to Mr.M.S.Palaniswamy, Advocate, S.R.No.31670
+1cc to the Government Pleader, S.R.No.31998

W.P.NO.29549 OF 2018

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PBS(28/07/2021)

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