



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.02.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P. (MD) No.1535 of 2021

and

W.M.P (MD) No.1316 of 2021

R.Jeganathan

...Petitioner

Vs.

1.The Registrar of Co-operative Societies,
Registrar of Co-operative Societies Office,
No.70, E.V.R.Periyar Salai,
Kilpauk, Chennai-600 010.

2.The Managing Director,
The Thiruchirapalli Central Co-operative Bank Limited,
Head Office, Fort Station Road,
Trichy-620 002.

3.Thoothukudi District Central Cooperative Bank Limited,
No.70A, Balarinayar Koil Street,
Tuticorin Market Branch,
Tuticorin-628 002.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the first respondent herein to pass orders on the petitioner's representation dated 20.10.2020 seeking transfer from the second respondent Bank to the third respondent Bank by considering the resolutions of the second and third respondents and grant approval within a time frame to be fixed by this Court.

For Petitioner : Mr.D.Geetha

For R-1 : Mr.B.Bhagawathi
Government Advocate

For R-2 and R-3 : Mr.D.Shanmugaraja Sethupathi

O R D E R

By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.



2. Since the petitioner's request to the respondents to transfer from the second respondent Bank to the third respondent Bank by considering the resolutions of the second and third respondents and to grant approval were not considered, the Writ Petition has been filed. According to the petitioner, he has made a representation in this regard on 20.01.2020, which is still pending.

3. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon the respondents to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence this Court will be justified in invoking its extraordinary powers under Article 226 of Constitution of India and direct them to consider the same within a stipulated time.

4. In the light of the above observations, it would be appropriate to direct the first respondent herein to consider the petitioner's representation dated 20.01.2020, within a stipulated time and thereby the ends of justice could be secured. It is made clear that this Court has not expressed any of its view with regard to the merits of the claim of the petitioner and that it is open to the concerned respondent to consider the same on its own merits.

5. Accordingly, there shall be a direction to the first respondent to consider the petitioner's representation dated 20.01.2020, on its own merits and pass appropriate orders in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CRL SIDE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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NOTE:

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

The Registrar of Co-operative Societies,
Registrar of Co-operative Societies Office,
No.70, E.V.R.Periyar Salai,
Kilpauk, Chennai-600 010.

+2 CC to M/s.D.SHANMUGARAJA SETHUPATHI, Advocate (SR-3227[F]
dated 04/02/2021)

+1 CC to M/s.GP (SR-3070[F] dated 03/02/2021)

W.P.(MD) No.1535 of 2021

SSS(CO)

TR(10.02.2021) 3P 5C