



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.08.2021

CORAM

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P(MD)No.14207 of 2021

and

W.M.P (MD) Nos.11155 & 11156 of 2021

WEB COPY

Y.S.Chinna Raja Vinoth Kumar

... Petitioner

Vs.

1.The Secretary to Government,
Co-operative Department,
Secretariat, Fort St. George,
Chennai - 600 009.

2.The Joint Registrar of Co-operative Societies,
No.170, Periyar EVR High Road,
Kilpauck, Chennai - 600 010.

3.The Church of South India,
No.5, Whites Road,
Royapettah, Chennai - 600 014.

4.Rev.Bishop,
CSI Tuticorin Nazareth Diocese,
Gallwell Higher Secondary School Campus,
North Beach Road,
Tuticorin,
Tuticorin District - 628 001.

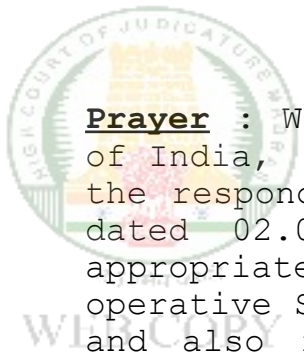
5.La Secretary,
CSI Tuticorin Nazareth Diocese,
Gallwell Higher Secondary School Campus,
North Beach Road,
Tuticorin,
Tuticorin District - 628 001.

6.Chairman,
CSI Good Shepherd Church,
Idayarkadu Postate,
Idaiyarkadu, Eral Taluk,
CSI Tuticorin Nazareth Diocese,
Tuticorin District - 628 802.

7.T.Arul Raj

8.The Joint-Registrar of
Co-Operative Societies,
Tuticorin Region, Tuticorin.

... Respondents



Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 1 and 2 to consider the petitioner's representation dated 02.08.2021 and suspend the seventh respondent and take appropriate disciplinary proceedings against him under the Co-operative Societies Act, 1983, for the irregularity committed by him and also further direct the respondents 4 and 6 to reject the nomination filed by the seventh respondent for the post of Diocese Council Member in the fifth respondent Church council.

For Petitioner : Mr.NGR.Prasad
Senior Counsel for M/s D.Selvanayagam,
For Respondents : Mr.P.Subbaraj for R1 & R2
Standing Counsel for State.
Mr.V.Laskhmi Narayanan
for Mr.J.Kingsly Solomon for R4 to R6

ORDER

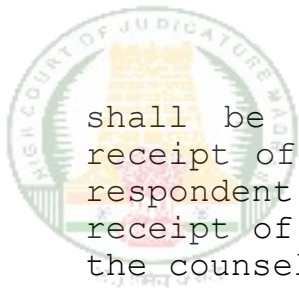
The petitioner seeks the consideration of his representation dated 02.08.2021 and consequential disciplinary action against the seventh respondent herein.

2.The petitioner states that the seventh respondent is a salesman in O-570, Arumugham Mangalam Primary Agricultural Co-operative Thrift and Credit Society. As such, he draws a salary from the Government exchequer. According to the petitioner, Rule 149(6) of the Tamil Nadu Co-operative Societies Rules, 1988, prohibits an employee of a society from contesting any elections without the previous permission of the employer. Various other Rules are also cited to underscore the fact that the seventh respondent is prohibited from contesting any election.

3. The petitioner states that the election to the fifth respondent Church council are scheduled during this month and that the seventh respondent should be restrained by an interim order from contesting such election. An interim order of the Division Bench of this Court in W.P.(MD) No.12151 of 2021 dated 27.07.2021 is cited in this regard.

4.Mr.V.Lakshmi Narayanan, learned counsel appearing on behalf of Mr.J.Kingsly Solomon, accepts notice on behalf of respondents 4 to 6. He submits that the representation would be considered and disposed of by the Bishop of CSI Tuticorin Nazareth Diocese within 48 hours if another copy of such representation is handed over today.

5.Accordingly, without going into the merits of the matter, the fourth respondent herein is directed to consider the petitioner's representation dated 02.08.2021 and dispose of the same by a reasoned order after providing a reasonable opportunity to both the petitioner and the seventh respondent. Such reasoned order



shall be passed within a period of two days from the date of receipt of a copy of this order. It is made clear that the fourth respondent shall not wait for a copy of the order and shall act upon receipt of a copy of such representation from the petitioner or from the counsel for the fourth respondent.

6. W.P.(MD).No.14207 of 2021 is disposed of on these terms without any order as to costs. Consequently, W.M.P(MD)Nos.11155 and 11156 of 2021 are closed.

Sd/-

Assistant Registrar (CrI)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

rm

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

1.The Secretary to Government,
Co-operative Department,
Secretariat,
Fort St. George,
Chennai - 600 009.

2.The Joint Registrar of Co-operative Societies,
No.170, Periyar EVR High Road,
Kilpauck,
Chennai - 600 010.

+1 CC to M/s.J.KINSLEY SOLOMON, Advocate (SR-26350[F]dated 16/08/2021)

+1 CC to M/s.SGP (SR-26300[F] dated 13/08/2021)

W.P (MD) No.14207 of 2021
12.08.2021

RK (25.08.2021) 3P 5C