



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.09.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

AND

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

W.A(MD)No.1707 of 2021

and

C.M.P(MD)No. 7293 of 2021

WEB COPY

The President,
3921 Pechiparai Primary Agricultural
Co-operative Credit Society,
Pechiparai - Post,
Kanyakumari District.

... Appellant / 4th Respondent

Vs.

1. T.Vimalabai ...1st Respondent / petitioner

2. The Joint Registrar of Co-operative Societies,
Common Cadre Authority,
Kanyakumari Region,
Collector Office New Building, 2nd Floor,
Nagercoil, Kanyakumari District.

3. The Deputy Registrar of Co-operative Societies,
Thuckalay Circle, Kanyakumari District.

4. The President,
Kumarankudi Primary Agricultural
Co-operative Credit Society,
Kumarankudi,
Kanyakumari District.

...Respondents 2 to 4 /
Respondents 1 to 3

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent against the order, dated 19.07.2021 made in W.P.(MD).No.1545 of 2021 on the file of this Court.

Prayer in WP(MD). 1545/ 2021 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court Pleased to issue a Writ of Certiorarified Mandamus or any other appropriate writ or order or direction in the nature of a writ to call for the records relating to the impugned order of transfer passed by the 1st Respondent herein in his proceedings vide Na.Ka.No.2870/2020/Thovesa(2) dated 11.01.2021 and quash the same and consequently direct the 1st Respondent not to disturb the petitioners position in the 3rd Respondent society and pass such further or other orders as this Honourable Court may deem fit and proper in the facts and



circumstances of the case and thus render justice.

For Appellant : Mr.V.H.S.Prathap
For Respondents : Mr.P.Thilak Kumar
Government Pleader
For R2 and R3

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JUDGMENT

(Judgment of the Court was delivered by **M.DURAISWAMY, J.**)

Challenging the order passed in W.P.(MD)No.1545 of 2021, dated 19.07.2021, the appellant has filed the above Writ Appeal. The appellant was the fourth respondent in the Writ petition. The Writ Petition was filed by the first respondent, challenging the order of transfer.

2. The learned Single Judge, taking into consideration the case of both parties, dismissed the Writ Petition, finding that the petitioner has not made out a *prima facie* case for interfering with the order of transfer and there is no *malafide* intention of the first respondent in passing the order of transfer.

3. It is pertinent to note that the fourth respondent has not challenged the order of transfer in W.P(MD)No.1545 of 2021. It is also pertinent to note that the fourth respondent has not even filed their counter affidavit in the Writ Petition. If at all the person who is aggrieved by the order passed in the Writ Petition, can only be the writ petitioner and not the fourth respondent.

4. The learned Counsel appearing for the appellant submitted that challenging the order of transfer, the appellant has also filed a separate Writ Petition in W.P(MD)No.14676 of 2021 and the same is pending before the learned Single Judge.

5. So far as the order passed in W.P(MD)No.1545 of 2021 is concerned, since the appellant is not the aggrieved person, we are not inclined to entertain the Writ Appeal. Accordingly, the Writ Appeal is dismissed. It is open to the appellant to prosecute the Writ Petition in W.P(MD)No.14676 of 2021 independently. No costs. Consequently, the connected Miscellaneous Petition is also dismissed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



LR/SSL

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 Joint Registrar of Co-operative Soceties,
Common Cadre Authority,
Kanyakumari Region,
Collector Office New Building, 2nd Floor,
Nagercoil, Kanyakumari District.
2. The Deputy Registrar of Co-operative Societies,
Thuckalay Circle, Kanyakumari District.
3. The President,
Kumarankudi Primary Agricultural
Co-operative Credit Society,
Kumarankudi, Kanyakumari District.

+1 CC to M/s.SPL. GP (SR-29130[F] dated 15/09/2021)

W.A(MD)No.1707 of 2021
14.09.2021

PS (CO)

KB(23.09.2021) 3P 5C