



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.02.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.1315 of 2022

and

W.M.P.Nos.1431 & 1432 of 2022

C.Sivakumar

...Petitioner

Vs.

1. The Returning Officer,
Repco Bank, Repco Tower,
No.33, North Usman Road,
T.Nagar, Chennai-600 017.

2. The Managing Director,
Repco Bank, Repco Tower,
No.33, North Usman Road,
T.Nagar, Chennai-600 017.

3. The Central Registrar of
Co-operative Societies,
Krishi Bhavan, New Delhi.

...Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified to call for the records of the 1st respondent pertaining to the notification number Rc.530/2022/RGB Elections dated 07.01.2022 and quash the same.

For Petitioner : Mr.S.S.Rajesh

For Respondent R1 : Mr.Om Prakash.E, SC

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Certiorarified Mandamus to call for the records of the 1st respondent pertaining to the notification number Rc.530/2022/RGB Elections dated 07.01.2022 and to quash the same.

2. The case of the petitioner is that, the respondent bank was registered as Co-operative Society under Madras Co-operative Societies Act, 1961 and the members of the bank are



categorically divided into 'A' class-Ordinary members and 'B' class-Nominal/Associate members and that the Certificate of Registration of Amendment No.L11016/25/1987-L&M dated 10.07.2009 was filed before the 3rd respondent under clause-5. The petitioner belongs to 'A' class bearing Membership No.A-608122/vyp and also a share holder in Repco Bank. While so, the 1st respondent issued a notice dated 07.01.2022 bearing RC No.530/2022/RGB elections, in which the election date was mentioned as 06.02.2022 and it is also mentioned that the members of the bank, which impliedly means both the "A" class as well as the "B" class members are the voters for the election. However, as per the Certificate of Registration of Amendment dated 10.07.2009 filed before the 3rd respondent, the election has to be conducted only among the "A" class members and the right to vote is also reserved only for "A" class members and the above said provision was not complied with by the 1st respondent. Hence, aggrieved over the same, the present writ petition is filed.

3. The learned counsel for the petitioner submitted that, "A" class-Ordinary members are only eligible to participate in the election and to cast vote, however, the notification issued by the 1st respondent including the "B" class members also is contrary to the Certificate of Registration of Amendment dated 10.07.2009. Hence, on the sole ground, this writ petition is filed.

4. The learned Senior counsel appearing for the respondent / Repco bank submitted that, once the election process has started, the Court will not interfere the election process. He further submitted that, the notification dated 07.01.2022 issued by the 1st respondent is related only to the election date and other simple informations. However, there is no detailed election process or regulations indicated in the said notification and he fairly conceded that the ineligible members will be debarred from participating in the election.

5. The learned counsel for the petitioner submitted that, this Court may record the statement made by the learned Senior counsel appearing on behalf of the respondent bank, since he fairly conceded that "the eligible members by law will only be allowed to participate and caste vote in the election and the ineligible members will be stopped/debarred by the Election Officers from participating in the election".

6. Heard the arguments advanced by the learned counsel on either side.



7. In view of the fair submission made by the learned Senior counsel appearing on behalf of the respondent bank, that it is a mere notification regarding the election date and no specific rules and regulations of the election were indicated and that only eligible members will be allowed to participate in the election and the ineligible members will not be allowed to participate in the election, recording the same, this Writ Petition is disposed of. No costs. Consequently connected Miscellaneous petitions are closed.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1. The Returning Officer,
Repco Bank, Repco Tower,
No.33, North Usman Road,
T.Nagar, Chennai-600 017.
2. The Managing Director,
Repco Bank, Repco Tower,
No.33, North Usman Road,
T.Nagar, Chennai-600 017.
3. The Central Registrar of
Co-operative Societies,
Krishi Bhavan, New Delhi.

+1 CC to Mr.A.Ilangovan for Mr.Om Prakash.E, sr 7094.

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AJB(CO)
SP(16/03/2022)