



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.02.2022

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THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P(MD).No.2329 of 2022

and W.M.P. (MD).Nos.2029, 2030 & 2032 of 2022

WEB COPY

Dr.R.Rajagopal

.. Petitioner

Vs.

1.Union of India represented by
the Secretary,
Ministry of Home Affairs,
Government of India,
New Delhi.

2.The Chairman, Repatriate's Co-operative Finance and Development
Bank,
Principal Secretary to Government,
Public and Rehabilitation Department,
Government of Tamil Nadu,
Fort St. George,
Chennai - 600 009.

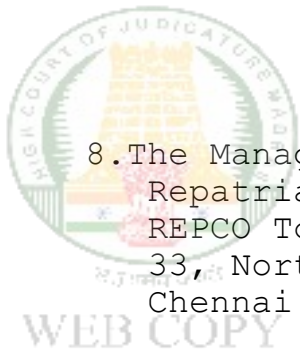
3.The Special Secretary and Financial Advisor,
Ministry of Home Affairs,
Government of India,
North Block,
New Delhi - 110 001.

4.The Joint Secretary,
Ministry of Home Affairs, Government of India,
(Freedom Fighter and Rehabilitation Division),
NDCC - II Building, 2nd Floor,
Jai Singh Road, Opp. Jantarmandar,
New Delhi, 110 001.

5.The Director of Rehabilitation,
Government of Tamilnadu,
Chepauk,
Chennai - 600 005.

6.The Additional Chief Secretary to Government,
Labour and Skills Department,
Government of Kerala,
Tiruvananthapuram,
Kerala - 695 001.

7.The Principal Secretary to Government,
Revenue Department, Government of Karnataka,
Vidhana Soudha, B.P.No.349,
Bangalore - 560 001.



- 8.The Managing Director,
Repatriate's Co-operative Finance and Development Bank,
REPCO Towers,
33, North Usman Road, T.Nagar,
Chennai - 600 017.
- 9.The Senior Manager,
Repatriate's Co-operative and Finance and Development Bank,
Anna Statue, Trichy.
- 10.The Returning Officer and Election Officer, REPCO Bank,
Repatriate's Co-operative Finance and Development Bank,
REPCO Towers,
33, North Usman Road, T.Nagar,
Chennai - 600 017.
- .. Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records of the proceedings Circular its No.20/2019/05/PAD dt. 25.02.2019 issued by the 8th respondent Managing Director of the head office, Chennai and subsequent continues Election Notification proceedings dt. 07.01.2022, in its No.Rc.530/2022/RGB Elections dt. 07.01.2022, issued by the 10th respondent Election Returning Officer of the REPCO Bank and call records of the entire proceedings and sought and quash the Circular dt. 25.02.2019 and election notification 07.01.2022 and to direct to the 1st respondent consider the petitioner representations dt. 25.03.2019, 03.05.2019 and 21.01.2022 to the 2 to 9th respondents not giving voting rights, admission rights to B class Non Members-nominal members-not a Repatriates to be a "A" class REPATRIATES members against the objects and aims of the BYE laws of the REPCO Bank of 1969.

For Petitioner : Mr.R.Rajagopal, Party-in-Person

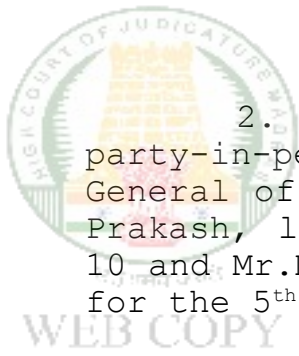
For Respondents : Mrs.L.Victoria Gowri, for R1, R3 and R4
Assistant Solicitor General of India

Mr.E.Om Prakash, Senior Counsel
for M/s.Vast Law Associates for R8 to R10

Mr.M.Lingadurai for R5
Special Government Pleader

ORDER

This writ petition has been filed challenging the impugned election notification, dated 07.01.2022, issued by the 10th respondent, the Election Returning Officer of REPCO Bank.



2. Heard Dr.R.Rajagopal, the petitioner who appeared as party-in-person, Mrs.L.Victoria Gowri, learned Assistant Solicitor General of India, appearing for the respondents 1, 3 and 4, Mr.E.Om Prakash, learned Senior Counsel appearing for the respondents 8 to 10 and Mr.M.Lingadurai, learned Special Government Pleader appearing for the 5th respondent.

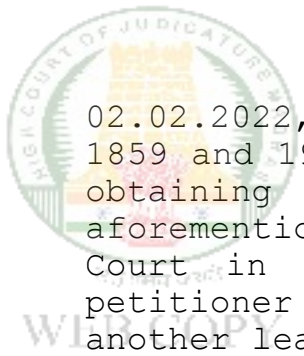
3. It is brought to the notice of this Court that the very same election notification was challenged in a batch of writ petitions and by order, dated 02.02.2022, the learned Single Judge in W.P.(MD).Nos.1776, 1859 and 1969 of 2022, directed the respondents to proceed with the elections as per the impugned election notification, by allowing the ordinary members - "A" class members to vote in the elections, in respect of nominal or society members - "B" class members, the respondents were directed not to permit them to vote or contest in the elections. It was also made clear in the very same order that in respect of ordinary members - "A" class members, they amended Byelaws with effect from 25.02.2019 which holds good as of now, has to be followed.

4. Mrs.Victoria Gowri, learned Assistant Solicitor General of India, on instructions, would submit that in terms of the said order, elections have been completed and results have been declared and only ordinary members "A" class members were permitted to vote and society members - "B" class members were not permitted to vote. It is the contention of the learned counsel for the petitioner that "B" class members were allowed to vote in the said election. He would also submit that his representation to the respondents has not been considered till date.

5. Mr.Om Prakash, learned Senior Counsel appearing for the respondents 8 to 10, would further submit that by order, dated 21.08.2019, passed in a batch of writ petitions in W.P.(MD).Nos.9623 of 2019 and 29390 of 2016 pertaining to the very same issue, the learned Single Judge has rejected the challenge to the Byelaws, which the petitioner has also challenged in this writ petition. He would submit that "A" class members who are ordinary members are alone allowed to vote as per the Circular and in the recent elections conducted as per the election notification, only "A" class members were permitted to vote.

6. He also drew the attention of this Court to Section 26 of the Multi State Co-operative Societies Act, 2002 and would submit that as per the said Section, nominal or society members are not allowed to vote and only in accordance with the said Section, the recent elections were held and results were declared.

7. After due consideration to the submissions made by the respective counsels, this Court is of the considered view that if the petitioner is aggrieved by the impugned election notification, available to him is to challenge the order dated



02.02.2022, passed by the learned Single Judge in W.P.(MD).Nos.1776, 1859 and 1969 of 2022 before the Division Bench of this Court after obtaining leave to file the same as he was not a party to the aforementioned writ petitions. No relief can be granted by this Court in favour of the petitioner as the issue raised by the petitioner has already been considered in the order passed by another learned Single Judge on 02.02.2022 referred to supra.

8. Accordingly, this Court, after recording the order, dated 02.02.2022, passed by this Court in the aforesaid batch of writ petitions by another learned Single Judge, disposes of this writ petition in terms thereof. If the petitioner is aggrieved by the same, he has to challenge the said order passed by the learned Single Judge before the Division Bench in the manner known to him under law. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

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

1.Union of India represented by
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Ministry of Home Affairs,
Government of India,
New Delhi.

2.The Chairman,
Repatriate's Co-operative Finance and Development Bank,
Principal Secretary to Government,
Public and Rehabilitation Department,
Government of Tamil Nadu,
Fort St. George,
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3.The Special Secretary and Financial Advisor,
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REPCO Towers, 33, North Usman Road, T.Nagar,
Chennai - 600 017.

+2 CC to M/s.R.JANSIRANI, Advocate (SR-8139[F] dated 23/02/2022)

W.P (MD) .No.2329 of 2022
22.02.2022

RK(09/03/2022) 5P 13C