



W.P(MD)No.14827 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.11.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.14827 of 2021

and

W.M.P(MD)No.11723 of 2021

S.Krishnakumar

... Petitioner

Vs

1.The Registrar of Co-operative Societies,
No.170, N.V.Natarajan Maaligai,
Periyar E.V.R.High Road,
Kilpauk,
Chennai – 600 010.

2.The Joint Registrar of Co-operative Societies,
Office of the Joint Registrar of
Co-operative Societies,
Kanyakumari Region,
Kanyakumari.

3.The Deputy Registrar /
Managing Director,
Kanyakumari District Central
Co-operative Bank Limited,
No.15/8-12, Alexander Press Road,
Head Office,
Nagercoil,
Kanyakumari District.

4.T.Suresh

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 1 to 3 to consider representation of the petitioner dated 02.08.2021 and consequently, direct the first respondent to enquire into the illegal appointment of the fourth respondent and conversion of category from technical post to non-technical post by appointing Enquiry Committee headed by Additional Registrar of Cooperative Societies and recover the monetary loss caused to the third respondent Bank.

For Petitioner : Mr.S.Prabhu

For Respondents : Mr.S.Shanmugavelu
Additional Government Pleader
for R.1 & R.2

Mr.S.Xavier Rajini for R.3

Mr.Isaac Mohanlal
Senior Counsel
M/s. Isaac Chambers for R.4

ORDER

Heard the learned counsel appearing for the writ petitioner, the learned Additional Government Pleader appearing for the respondents 1 and 2, the learned counsel appearing for the third respondent and the learned Senior Counsel appearing for the fourth respondent.



W.P(MD)No.14827 of 2021

2. All that the petitioner wants is consideration of the representation made by him before the third respondent. The learned Senior Counsel appearing for the fourth respondent relying on the decision of the Hon'ble Supreme Court in *A.P.S.R.T.C & Others Vs. G.Srinivas Reddy & Others* reported in **(2006) 3 SCC 674**, contended that direction cannot be issued by the writ Court calling upon the authority to consider the representation. A direction to consider can be given only if the case is made out. The writ petitioner must show that his right has been infringed. Only in such an event, this Court will be giving the direction sought for. The writ petitioner's rights are not in any way infringed by the appointment of the fourth respondent. This being a service matter, only at the instance of an aggrieved individual, writ petition can be entertained. I do not find any ground to grant the relief sought for.

3. This writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

16.11.2022

Index : Yes / No
Internet : Yes/ No
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W.P(MD)No.14827 of 2021

G.R.SWAMINATHAN, J.

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To

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