



WEB COPY



W.P.No.16199 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.06.2023

CORAM :

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P.No.16199 of 2023
and
W.M.P.No.15587 of 2023

P.Chandrasekaran,
S/o.Mr.S.Paramasivam,
President in charge,
Chennai Port Trust Employees Cooperative Bank
Old No.37, New No.110, Sembudoss Street,
Chennai - 600 001.

.. Petitioner

Vs

- 1.The Registrar of Cooperative Societies,
NVN Maaligai,
Poonamallee High Road,
Kilpauk, Chennai - 10.
- 2.The Additional Registrar of Cooperative Societies,
Kuralagam, 2nd Floor,
Chennai Region, Chennai - 108.
- 3.The Deputy Registrar of Co-operative Societies (Credit),
Kuralagam, 2nd Floor,
Chennai Region, Chennai - 108.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India
praying to issue a Writ of Certiorari to call for the records relating to the



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impugned proceeding dated 03.05.2023 vide Na.Ka.No.1581/2023/E2 issued under Section 88(1) of the Tamil Nadu Co-operative Societies Act, 1983 on the file of the 2nd respondent and quash the same as being illegal, arbitrary and unconstitutional and to the pass such other orders or directions to meet the ends of justice.

For Petitioner : Mr.R.Balaramesh

For Respondents : Mr.K.V.Sajeev Kumar
Special Government Pleader

ORDER

When the matter had been listed for admission on 01.06.2023, the following order was passed:

The challenge is to a show cause notice that proceeds on the basis that the petitioner, the President incharge of the Chennai Port Trust Employees Cooperative Bank, should not be made answerable to the allegations raised by the Managing Director of the Bank, seeing as, in hierarchy the Board stands far above the Managing Director.

2.Let Mr.Vadivelu, learned Additional Government Pleader, who accepts notice for the Registrar of Cooperative Societies/RI, take instructions on the short point as to whether the impugned show cause notice issued by the Additional Registrar of Cooperative Societies is correct



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and whether R2 has acted in propriety.

WEB COPY *3.List on 05.06.2023 at the end of admission list. Counter/Written instructions by then within an advance copy served upon the petitioner.*

2. Today, written instructions are filed to establish the position that the Additional Registrar of Cooperative Societies/R2, who has issued impugned notice dated 03.05.2023, is empowered under the provisions of the Tamil Nadu Cooperative Societies Act, 1987 to issue the said notice.

3. The objection of the petitioner appears to be that in the impugned notice there are references to orders passed by the Managing Director of the Bank that have not been adhered to by the petitioner, and thus the petitioner would maintain that the Board ought not to be bound by the orders of the Managing Director, as the latter is far junior in rank.

4. This argument does not appealed for the reason that the impugned notice reflects sufficient independent application of mind by R2 to be sustained on its own, subject to the response of the petitioner.

5. The impugned notice, in conclusion, refers to the alleged acts of impropriety by the Board and only calls upon the Board members to tender a response to the same.



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DR. ANITA SUMANTH,J.

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6. Thus, I am of the considered view this Writ Petition is premature. That apart, the petitioner has also filed its reply on 25.05.2023. Let the reply be considered, the Board members heard and a view taken by R2 in accordance with law.

7. This Writ Petition stands dismissed. No costs. Connected Miscellaneous Petition is also dismissed.

05.06.2023

Index:Yes/No
Speaking order
Neutral Citation:Yes/No
sl

To

- 1.The Registrar of Cooperative Societies,
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