



WEB COPY



W.P.No.31402 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.11.2023

CORAM:

**THE HONOURABLE MR.JUSTICE M.S.RAMESH**

**W.P.No.31402 of 2023**

1. R.Venkatachalam

2. K.Narayanasamy

...Petitioners

-Vs-

1. The Joint Registrar of Co-operative Societies,  
Salem Region, Salem.

2. S.219, Kaveripatti Primary Agricultural  
Co-operative Credit Society Ltd.,  
Rep. by its Administrator, Kaveripatti Post,  
Thevur Via Sangagiri Taluk, Salem District.

...Respondent

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus to direct the 1<sup>st</sup> respondent to consider and pass order on the representation submitted by the petitioners dated 05.10.2023 in the light of the circular issued by the Registrar of Co-operative Societies Circular no.28/2022/sa.pa2 (Na.Ka.No.74381/2022/sa.pa.2) dated 09.11.2022 after giving opportunity.

For Petitioners : Mr.M.S.Palaniswamy

For Respondent : Mr.V.Manoharan  
Addl. Govt. Pleader for R.1  
: Mr.M.Shahjahan  
Spl. Govt. Pleader for R.2



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## **ORDER**

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Heard Mr.S.Palaniswamy learned counsel for the petitioners and Mr.V.Manoharan, learned Additional Government Pleader for the first respondent and Mr.M.Shahjahan, learned Special Government Pleader for the second respondent. With the consent of both sides, the main writ petition has been taken up for final disposal.

2. The petitioners herein have submitted a representation to the respondents on 05.10.2023 seeking to call for the entire records of the second respondent society with regard to promotion, fixation of pay scale and other allowances and conduct enquiry and pass appropriate orders and also seeking the second respondent to prepare the seniority list according to the circular issued by the Registrar of Cooperative Society. Since the said representation was not considered, the present writ petition has been filed.

3. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon the respondent to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As such, non-consideration of



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the representation by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of Constitution of India and direct them to consider the same within a stipulated time.

4. In the light of the above observations, there shall be a direction to the respondents to consider the representation of the petitioner dated 05.10.2023 on its own merits and pass appropriate orders in accordance with law, within a period of three months from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any of its views with regard to the merits of the claim of the petitioner and that it is open to the respondents to consider the same on its own merits.

5. With the above direction, the writ petition is disposed of. No costs.

**02.11.2023**  
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Index:Yes/No  
Internet:Yes/No  
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**M.S.RAMESH,J.**

SR

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