



WEB COPY



W.P. No. 6189 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.03.2024

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 6189 of 2024

S.K.Parthasarathi

... Petitioner

-VS-

1. The Assistant Commissioner (Co-operation)
Office of the Central Registrar of Co-operative Societies
Atal Akshaya Ujra Bhawan
CGO Complex, New Delhi.

2. The Registrar of Co-operative Societies
Office of the Registrar of Co-operative Societies
No. 170, NVN Malaigai
EVR High Road, Kilpauk
Chennai - 600010.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the Second Respondent to consider the Petitioner's representation dated 05.10.2023 and 29.12.2023 within a time frame fixed by the Court.

For Petitioner : Mr. Dhalapathy Vignesh Kumar

For Respondents : Mr. V.Ashok, CGSC (R1)
Mr. A.M.Ayyathurai, GA (R2)



W.P. No. 6189 of 2024

WEB COPY

ORDER

Heard Mr. Dhalapathy Vignesh Kumar, Learned Counsel for the Petitioner, Mr. V.Ashok, Learned Central Government Standing Counsel who takes notice for the First Respondent and Mr. A.M.Ayyathurai, Learned Government Advocate who takes notice for the Second Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. The Petitioner has made an application for its registration as 'Multi State Co-operative Society' under the Multi-State Co-operative Societies Act, 2002 before the First Respondent, who had by Proceedings dated 25.09.2023 informed *inter alia* that 'no objection certificate' from the Registrar of Co-operative Society of the State where the area of operation of co-operative society extends would have to be produced for considering it, but as it has not evoked any response, it has necessitated the filing of this Writ Petition.

3. It has been brought to notice that the Government of India, Ministry of Agriculture, Department of Agriculture and Cooperation by Proceedings dated 22.07.2015 in No. R-11017/10/2013-L&M has informed the concerned Registrar of Co-operative Societies of the State to take action and dispose such



W.P. No. 6189 of 2024

requests for 'no objection certificate' within 45 days from the date of its receipt.

WEB COPY

4. Having regard to the aforesaid submissions, this Court without expressing any view on the merits of the controversy involved, passes the following order:-

- (i) the concerned authority shall immediately examine the representations dated 05.10.2023 and 29.12.2023 made by the Petitioner including ascertaining as to whether the Petitioner would be entitled for the relief claimed;
- (ii) if it is found that any other details or supporting documents is necessary, the deficiencies in that regard shall be informed in writing to the Petitioner requiring the same to be furnished within a time frame of not less than 10 days for the same;
- (iii) in the event of not being satisfied with the requirements even thereafter, an enquiry shall be conducted affording full opportunity of personal hearing to the Petitioner and all other persons concerned to explain their position in that regard; and
- (iv) a reasoned order shall be passed dealing with each of the contentions raised on merits and in accordance with law and the decision taken



W.P. No. 6189 of 2024

communicated by 30.04.2024 under written acknowledgment.

WEB COPY

In the result, the Writ Petition is disposed on the aforesaid terms. No costs.

08.03.2024

Index: Yes/No

NCC: Yes/No

Note: Issue order copy by 17.04.2024.

Maya

To

1. The Assistant Commissioner (Co-operation)
Office of the Central Registrar of Co-operative Societies
Atal Akshaya Ujra Bhawan
CGO Complex, New Delhi.
2. The Registrar of Co-operative Societies
Office of the Registrar of Co-operative Societies
No. 170, NVN Malaigai
EVR High Road, Kilpauk
Chennai - 600010.



WEB COPY



W.P. No. 6189 of 2024

P.D. AUDIKESAVALU, J.

Maya

W.P. No. 6189 of 2024

08.03.2024