



W.P.No.27593 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.07.2024

CORAM :

THE HON'BLE MR.D.KRISHNAKUMAR, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE K.KUMARESH BABU

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P.Thanapal

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Petitioner

Vs.

1. Union of India

Rep. By Home Secretary

Ministry of Home Affairs

North Block, New Delhi 110 001.

2. The Additional Secretary &

The Central Registrar of Cooperative Societies

Ministry of Co-operation

Floor I, Atal Akshay Urja Bhawan

Lodhi Road, CGO Complex

New Delhi 110 003.

3. The Chairman

Repatriate Cooperative Finance and

Development Bank (REPCO Bank)

No.33, North Usman Road

T.Nagar, Chennai 600 017.

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Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of Mandamus directing the 2nd respondent to



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consider and dispose of petitioner's representation dated 07.07.2023 requesting to take necessary action against 3rd respondent for not implementing 97th Amendment of the Constitution of India and also to implement the conditional certificate of Registration of amendment of byelaw No.30(A) & 39(A) until then Amendment to 30(A) & 39(A) of 3rd respondent bye-law has to be withdrawn and registration certificate dated 15.04.2021 issued by Central Registrar (2nd respondent herein) has to be withheld immediately.

For the Petitioner : Mr.B.Ullasavelan

For the Respondents : Mr.AR.L.Sundaresan
Additional Solicitor General
Assisted by
Mr.Venkataswamy Babu
Senior Panel Counsel
for Respondents 1 & 2

Mr.Om Prakash
Senior Counsel
For Mr.A.Ilangovan
for respondent 3

ORDER

(Order of the Court was made by
the Hon'ble Acting Chief Justice)

The petitioner seeks a direction to the second respondent to dispose of his representation seeking to take action against the third respondent for not implementing 97th Amendment of



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Constitution of India and to implement the conditional certificate of Registration of amendment of bye-law Nos.30(A) & 39(A) until then Amendment to 30(A) & 39(A) of 3rd respondent bye-law has to be withdrawn and registration certificate dated 15.04.2021 issued by Central Registrar (2nd respondent herein) has to be withheld immediately.

2. Learned Additional Solicitor-General submits that in view of the decision of the Larger Bench in *K.Marappan v. The Deputy Registrar of Cooperative Societies [(2006) 4 CTC 689]*, the writ petition is not maintainable. He further submits that the writ petitioner is not a member of the Cooperative Society and if at all the petitioner has any grievance, the same can be agitated before the appropriate forum under the provisions of the Act.

3. Learned Additional Solicitor-General, relying upon paragraph 10 of the affidavit, wherein it is stated that 97th amendment of the Constitution of India has been incorporated in the Multi-State Cooperative Societies (Amendment) Act, 2023 and the Rules made thereunder and have already been notified and vide Circular No.L-



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11012/06/2023-L&M dated 16.10.2023 and 05.02.2024, all the Multi-State Cooperative Societies are directed to amend their existing bye-laws to bring them in consistent with amended Act and Rules.

4. In view of the above, it is for the petitioner to redress his grievance before the appropriate forum. With the above observation, the writ petition stands disposed of. There shall be no order as to costs.

(D.K.K., ACJ.) (K.B., J.)
25.07.2024

Index : Yes/No
Neutral Citation : Yes/No

kpl

To

1. The Home Secretary
Ministry of Home Affairs
North Block, New Delhi 110 001.
2. The Additional Secretary &
The Central Registrar of Cooperative Societies
Ministry of Co-operation
Floor I, Atal Akshay Urja Bhawan
Lodhi Road, CGO Complex
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3. The Chairman
Repatriate Cooperative Finance and
Development Bank (REPCO Bank)
No.33, North Usman Road
T.Nagar, Chennai 600 017.



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D.KRISHNAKUMAR, ACJ,
AND
K.KUMARESH BABU,J.

(kpl)

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