



W.P(MD)No.19183 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Special Original Jurisdiction)

Tuesday, the Eighth day of August Two Thousand and Twenty Three

PRESENT

The Hon`ble Mrs.Justice L. VICTORIA GOWRI

W.P(MD)No.19183 of 2023

and

W.M.P(MD)No.15915 of 2023

GOPALADHAAS.E

... PETITIONER

Vs

1 THE STATE OF TAMIL NADU

REP. BY ITS SECRETARY,

CO-OPERATION, FOOD

AND CONSUMER PROTECTION DEPARTMENT,

FORT ST.GEORGE, CHENNAI 600 006

2 THE REGISTRAR OF CO-OPERATIVE SOCIETIES,

NV NATARAJAN MALIGAI,

E.V.R.PERIYAR SALAI,

KILPAUK,

CHENNAI 600 010

3 THE JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES,

KANYAKUMARI REGION AT NAGERCOIL

KANYAKUMARI DISTRICT

4 THE DEPUTY REGISTRAR OF CO-OPERATIVE SOCIETIES,

NAGERCOIL CIRCLE, NAGERCOIL

KANYAKUMARI DISTRICT

(NOW ACTING AS DISTRICT ELECTION OFFICER

KANYAKUMARI DISTRICT CO-OPERATIVE UNION LTD, KN-103)

<https://www.mhc.tn.gov.in/judis>



W.P(MD)No.19183 of 2023

5 KANYAKUMARI DISTRICT CENTRAL
CO-OPERATIVE BANK LTD Y11,
REP. BY ITS MANAGING DIRECTOR,
RAMACHANDRA NAGAR BUILDING,
NAGERCOIL 629 001
KANYAKUMARI DISTRICT

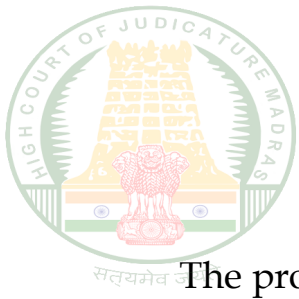
... RESPONDENTS

Writ Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to issue of Writ of Mandamus forbearing the respondents herein from upgrading the post of the Managing Director in the cadre of Deputy Registrar of Co-operative Societies of the 5 respondent Kanyakumari District Central Co-operative Bank Ltd., to the cadre of Joint Registrar of Co-operative Societies and creation of a new post of Chief Revenue Officer in the 5th respondent Bank in the light of the Board Meeting Resolution of the 5th respondent Bank dated 16.10.2017 and 09.02.2018.

Prayer in WMP(MD). 15915/ 2023 :

To grant an order of AD INTERIM INJUNCTION restraining the respondents herein from upgrading the post of Managing Director in the cadre of Deputy Registrar of Co-operative Societies of the 5 respondent Kanyakumari District Central Co-operative Bank Ltd., to the cadre of Joint Registrar of Co-operative Societies and creation of a new post of Chief Revenue Officer in the 5th respondent Bank, pending disposal of the Writ Petition.

ORDER : This writ petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S. CIBI CHAKRABORTHY .T, Advocate for the petitioner and of MR.N.MUTHUVIJAYAN, Special Government Pleader for the Respondents 1 to 4 and of MR.XAVIER RAJNI, Advocate for the 5th Respondent, the court made the following order:-



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The proposal which was rejected twice by the Board of Directors of the Central Co-operative Bank, Nagercoil on 16.10.2017 and 09.02.2018 is now taken up for consideration. Considering the fact that the Board is not functioning and that there is no Board at all now for the Central Co-operative Bank, the respondent officers herein are proceeding towards upgrading the post of Managing Director to the cadre of Joint Registrar of the Co-operative Societies. Despite the observation of the Board twice that such up-gradation would cause heavy financial loss to the existing already ailing Bank, this effort is taken by the respondents now. Prima facie case is made out.

2. There shall be an order of interim injunction restraining the respondents from upgrading the post of Managing Director in the cadre of Deputy Registrar of Co-operative Societies of the fifth respondent Kanyakumari District Central Co-operative Bank at Nagercoil to the cadre of the Joint Registrar of Co-operative Societies and creating a new post of Chief Revenue Officer in the fifth respondent Bank, pending disposal of this writ petition.

3. Mr.N.Muthuvijayan, learned Special Government Pleader takes notice for the respondents 1 to 4.

4. Mr.Xavier Rajni, learned Counsel takes notice for the fifth respondent.



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5. For filing counter, post this case on 29.08.2023.

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sd/-
08/08/2023

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/08/2023

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

BTR

TO

1 THE SECRETARY
CO-OPERATION,
FOOD AND CONSUMER PROTECTION DEPARTMENT,
FORT ST.GEORGE,
CHENNAI 600 006

2 THE REGISTRAR OF CO-OPERATIVE SOCIETIES,
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KANYAKUMARI DISTRICT
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+1. CC to MR.T.CIBI CHAKRABORTHY, Advocate SR.No.11972(I)

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ORDER

IN

W.P(MD)No.19183 of 2023

and

W.M.P(MD)No.15915 of 2023

Date :08/08/2023

PKP/VR/SAR- /17.08.2023/ 5P/6C

Madurai Bench of Madras High Court is issuing certified
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