



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.11.2017

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THE HONOURABLE MR.JUSTICE R.MAHADEVANW.P(MD) No.3829 of 2016 and
W.M.P. (MD) No.3440 of 2016

V.Stanley

... Petitioner

-vs-The Deputy Registrar of Co-op Societies,
Tuckalay,
Kanyakumari District.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records relating to the impugned proceedings of the respondent in Na.Ka.2196/2015 ThoVesa dated 15.12.2015 and quash the same as illegal.

For Petitioner	:	Mr.M.E.Ilango
For Respondent	:	Mr.T.S.Mohamed Mohideen Additional Government Pleader

ORDER

This writ petition has been filed, seeking to quash the impugned proceedings of the respondent in Na.Ka.2196/2015 ThoVesa dated 15.12.2015, by which the petitioner was removed from the membership of the Co-operative Society.

2. Heard the learned counsel on either side.

3. The case of the petitioner is that he became a member of the Charoor Primary Agricultural Co-operative Society way back in the year 1988 and was elected as the President of the said Society. Thereafter, on the basis of the complaint made by one C.J.Bennet Charles, alleging that the petitioner was running a private money lending business, a show cause notice was issued by the respondent, against which, the petitioner filed a writ petition in W.P.(MD)No.22718 of 2015. While so, the petitioner was all of a sudden removed from the membership by the order impugned herein. Challenging the same on the ground of lack of



jurisdiction, the petitioner is before this Court.

4. After elaborate argument, the learned counsel for the petitioner and the learned counsel appearing for the respondent have requested this Court to remand the matter back to the respondent for passing a fresh orders after considering the objections to be filed by the petitioner.

5. In view of the above submissions, this petition is allowed and the impugned order dated 15.12.2015 is set aside. The matter is remitted to the respondent for fresh consideration, who, in turn shall pass appropriate orders on merits and in accordance with law within a period of six weeks from the date of receipt of a copy of this order, after considering the objections to be filed by the petitioner and also upon hearing him in person. It is made clear that the respondent, while passing orders shall take into consideration the issue in respect of the jurisdictional point of view. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD-I)

/True Copy/

Sub Assistant Registrar

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 89109

+ 1 CC TO Mr.M.E.ILANGO, ADVOCATE IN SR No. 89019

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TE/MR-KKR/SAR-2 : 06/12/2017 : 2P/3C

W.P (MD) No.3829 of 2016

21.11.2017