



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.03.2018

CORAM :

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition (MD) No.5970 of 2018  
and  
W.M.P (MD) No.5840 of 2018

I.Ammavasai

... Petitioner

Vs.

1.The Joint Registrar of Co-op.Societies  
Chinna Chokkikulam,  
Madurai 625 002.

2.The Administrator,  
MD Spl.109, Valandur Primary  
Agricultural Co-operative Credit Society,  
Valandur Post,  
Usilampatti Taluk,  
Madurai District.

... Respondents

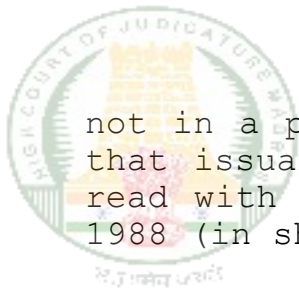
Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the respondents to follow the procedure as required under Section 137(1) r/w Rule 113 of the Tamil Nadu Cooperative Societies Act and the Rules and after affording opportunities to the members of the MD.Spl.109 Valandur Primary Agricultural Co-Operative Credit Society before taking decision.

|                 |                                                              |
|-----------------|--------------------------------------------------------------|
| For Petitioner  | : Mr.V.O.S.Kalaiselvam                                       |
| For Respondents | : Mr.Aayiram K.Selvakumar,<br>Additional Government Pleader. |

#### ORDER

This writ petition has been filed challenging the show cause notice issued by the first respondent under Section 137(1) of the Tamil Nadu Co-operative Societies Act, 1983 (in short, 'the Act') for winding up of the second respondent society.

2.The grievance of the petitioner is that he is the member of the second respondent society, now, without furnishing a copy of the show cause notice to all the members of the second respondent society, based on the enquiry report submitted under Section 82 of the Act, the first respondent has issued a show cause notice. Since the show cause notice was not issued to the petitioner along with the enquiry report under Section 82 of the Act, the petitioner is



not in a position to raise his objections. It is further contended that issuance of show cause notice under Section 137(1) of the Act read with Rule 113 of the Tamil Nadu Co-operative Societies Rules, 1988 (in short, 'the Rules') is mandatory.

3. So far as the contention of the petitioner that a copy of the show cause notice was not issued to the members is concerned, under Section 137(1) of the Act, the first respondent has issued show cause notice to the society and under Rule 113 of the Rules, the society should convene a special meeting of the general body for consideration of the notice and send the copy of the copy of the show cause notice to the members. It is seen from the records that a special meeting was also called by the second respondent on 15.03.2018. Now, if at all the petitioner has any grievance over the issuance of the show cause notice, it is always open to the petitioner to approach the first respondent and raise his objections without doing so, he cannot challenge the show cause notice issued by the first respondent. In the above said circumstances, the relief sought by the petitioner cannot be granted.

4. So far as the next contention of the learned counsel appearing for the petitioner that enquiry report was not furnished to the petitioner is concerned, even though there is no requirement to furnish a copy of the enquiry report to every member of the society, the first respondent is directed to give a copy of the enquiry report submitted under Section 82 of the Act to enable him to raise his objections.

5. In the result, I find no merits in the writ petition and accordingly, the writ petition is dismissed. No costs. Consequently, W.M.P(MD)No.5840 of 2018 is closed.

Sd/-

Assistant Registrar(T&P)

/True Copy/

Sub Assistant Registrar

To

1. The Joint Registrar of Co-op. Societies, Chinna Chokkikulam, Madurai 625 002.

2. The Administrator, MD Spl.109, Valandur Primary Agricultural Co-operative Credit Society, Valandur Post, Usilampatti Taluk, Madurai District.

+1CC to Mr.V.O.S.Kalaiselvam, Advocate, SR.No. 56973

+1CC to the Special Government Pleader SR.No.57647

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and

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