



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.10.2018

WEB COPY

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH
and
THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P (MD) No.21985 of 2018
and
WMP (MD) Nos.19937 and 19938 of 2018

P.Jeganathan

.. Petitioner

Vs.

1. The Commissioner,
Tamilnadu Cooperative Societies Election Commission,
273, Scheme Road, Subbarayan Nagar,
Teynampet, Chennai - 600 018.
2. The Registrar of Cooperative Societies,
Chennai.
3. The Deputy Registrar of Cooperative Societies/
Managing Director,
O.2181, The Tirunelveli Consumer,
Cooperative Wholesale Stores Ltd.,
Tirunelveli.

.. Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Certiorarified mandamus calling for the records pertaining to the proceedings of the second respondent in Na.Ka.No.47108/2018/சு.சே.1 dated 18.07.2018, as well as the communication made by the 3rd respondent through his letter Na.Ka.No.1681/2018/election dated 24.09.2018 for rejecting Form 16 and quash the same and direct the respondents 2 and 3 to enroll the name of the petitioner as a member of the 3rd respondent's society by accepting the said Form 16.

For Petitioner
For Respondents

: Mr.R.Anand
: Mr.K.Chellapandian
Additional Advocate General
assisted by Mr.A.K.Baskarapandian
Special Government Pleader

**O R D E R****[Order of the Court was made by M.M.SUNDRESH, J.]**

The petitioner herein made an application seeking registration of his name with the member of the third respondent, which was rejected by the second respondent by the proceedings dated 18.07.2018 wherein it has been stated that since no election has been conducted and the tenure of the erstwhile office bearers got expired, the *status quo* will have to be maintained. So far as the induction of new members is concerned, ban is imposed by the second respondent.

2.The learned counsel appearing for the petitioner submitted that there is no bar in law for considering the new membership.

3.The learned Additional Advocate General, appearing for the respondents, on instructions, submitted that power has been exercised in accordance with Section 181 of the Tamil Nadu Cooperative Societies Act, 1983.

4.We are not inclined to entertain this writ petition. Now elections are proposed to be conducted, though no initiate as of now. Admittedly, tenure of the erstwhile board of directors got over. Now the impugned order has been passed as an interim measurement and inclusion of any new member at this stage by an officer, other than the elected board would create more problem. The petitioner can very well make his application after the election is concluded. This impugned order is nothing but an interim arrangement, pending conclusion of the election of the board of directors. Therefore, the writ petition is dismissed. No costs. However, it is made clear that the petitioner can very well renew the request of his membership after new board is being constituted. Consequently, WMP(MD)Nos.19937 and 19938 of 2018 are closed.

Sd/-

Assistant Registrar (P&A)

/True Copy/

Sub Assistant Registrar (CS-II)

To

1. The Commissioner,
Tamilnadu Cooperative Societies Election Commission,
29, Scheme Road, Subbarayan Nagar,
Teynampet, Chennai - 600 018.



2. The Registrar of Cooperative Societies,
Chennai.

3. The Deputy Registrar of Cooperative Societies/
Managing Director,
O.2181, The Tirunelveli Consumer,
Cooperative Wholesale Stores Ltd.,
Tirunelveli.

+ 1 CC TO Mr.R.ANAND, ADVOCATE IN SR No. 93121

MJ

TE/SV/SAR-2 : 23/11/2018 : 3P/5C

W.P (MD) No.21985 of 2018
26.10.2018