



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.09.2018

CORAM:

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

W.P.(MD) No.19335 of 2018
and W.M.P.(MD) Nos.17170 and 17171 of 2018

S.Muniandi

... Petitioner

-VS-

- 1.The Joint Registrar,
Co-operative Societies,
Virudhunagar District,
Virudhunagar.
- 2.The District Election Officer/Deputy Registrar of Cooperative,
Virudhunagar,
Virudhunagar District.
- 3.The Election Officer/Co-operative Sub-Registrar,
Sp.spl 37, Malli Primary Co-operative Credit Society Limited,
O/o.Deputy Registrar of Co-operative Societies,
Srivilliputhur,
Virudhunagar District.
- 4.Sp.spl 37, Malli Primary Co-operative Credit Society Limited,
Rep. by Special Officer,
Srivilliputhur Taluk,
Virudhunagar District.
- 5.S.Vairam
- 6.V.Ganeshan
- 7.P.Rakkappan
- 8.C.Chellapandi
- 9.G.Radhakrishnan
- 10.V.Santhanam
- 11.M.Paunthai
- 12.R.Balakrishnammal
- 13.S.Sumathi
- 14.E.Velaiahamsamy
- 15.M.Thilagavathi

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari mandamus, calling for the records on the files of the 3rd respondent pertaining to the declaration of the elected directors dated 28.08.2018, declaring respondents 5 to 15 as elected office bearers of the 4th respondent society and to quash the same and consequently direct the official respondent to continue the election process from the stage of



election to 11 directors.

For Petitioner

: Mr.S.C.Herold Singh

For Respondents 1 to 3

: Mr.K.Chellapandian
Additional Advocate General, Assisted
by
Mr. A.K.Baskara Pandian
Special Government Pleader

For 4th respondent

: Mr.E.Mareeskumar

COMMON ORDER

(Order of the Court was made by M.M.SUNDRESH, J.)

This writ petition has been filed seeking to quash the proceedings of the third respondent dated 28.08.2018, declaring respondents 5 to 15 as elected office bearers of the 4th respondent society and consequently to direct the official respondent to continue the election process from the stage of election to 11 directors.

2.Heard the learned counsel appearing for the petitioner, the learned Additional Advocate General appearing for the respondents 1 to 3 and the learned counsel appearing for the fourth respondents.

3.In as much as the matter relates to factual disputes, we are of the view that the matter has to be agitated before the Registrar of Co-operative Societies, under Section 90 of the Tamil Nadu Co-operative Societies Act, 1983.

4.In such view of the matter, the Writ Petition is disposed of giving liberty to the petitioner to file appropriate application before the concerned Registrar of Co-operative Societies. As and when such application is filed, the Registrar shall consider and dispose of the same within a period of three months from the date of receipt of application from the petitioner. The petitioner is also at liberty to raise all the contentions raised before this Court and also sought for interim orders before the Registrar of Co-operative Societies. Consequently, connected Miscellaneous Petitions are closed. No costs.

Sd/
Assistant Registrar(CS-II)

/True copy/

Sub Assistant Registrar(CS-III)

To

1.The Joint Registrar,
Co-operative Societies,
Virudhunagar District,
Virudhunagar.



2.The District Election Officer/Deputy Registrar of Cooperative,
Virudhunagar,
Virudhunagar District.

3.The Election Officer/Co-operative Sub-Registrar,
Sp.spl 37, Malli Primary Co-operative Credit Society Limited,
O/o.Deputy Registrar of Co-operative Societies,
Srivilliputhur,
Virudhunagar District.

+1cc to Mr.E.Mareeskumar, Advocate, SR.No. 83020
+1cc to Mr.S.C.HEROLD SINGH, Advocate, SR.No.82975
+1cc to M/s.Special Government Pleader,SR.No. 83363

W.P. (MD) No.19335 of 2018
and W.M.P. (MD) Nos.17170 and 17171 of 2018
07.09.2018

SJ
KK/SV/SAR-3/05.10.2018/3P-7C