

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.03.2019

CORAM

THE HON'BLE MR. JUSTICE D. KRISHNAKUMAR

W.P. No.7524 of 2019
and W.M.P.No.8186 of 2019

A.Chinnapaiyan

.. Petitioner

Vs.

1.The Deputy Registrar of Co-operative
Societies,
Dharmapuri Circle, Dharmapuri,
Dharmapuri District.

2.The President,
DD88, Pappinaickanahalli Primary Agricultural
Co-operative Credit Society,
Pappinaickanahalli,
Palacode Taluk,
Dharmapuri Taluk,
Dharmapuri District.

3.C.Chinnasamy,
S/o.Chinnasamy @ Pachiyappan,
Moodhukulahalli Village,
Pappinaickanahalli Post,
Palacode Taluk,
Dharmapuri District.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue WRIT OF CERTIORARI, calling for the entire records relating to the impugned order passed by the first respondent in his proceedings Tha.Va.1/2018, dated 27.02.2019 and quash the same.

For petitioner : Mr.C.Prakasam

For R1 & R2 : Ms.T.Girija
Government Advocate

O R D E R

The petitioner has filed the Writ Petition praying to issue a WRIT OF CERTIORARI, calling for the entire records relating to the impugned order passed by the first respondent in his proceedings Tha.Va.1/2018, dated 27.02.2019 and quash the same.

2. According to the learned counsel for the petitioner, the petitioner conducted election for all over Tamil Nadu Co-operative Societies. The petitioner is one of the member in the second respondent society, in that election the petitioner was elected as Vice President of the said society and now the petitioner functioning as Vice President. But the third respondent, who could not able to succeed to elect as President, hence he made false representations before the first respondent stating that the petitioner did not know read and write Tamil language, hence he made request to disqualify the petitioner from the post of said Board of Director as well as Vice President. In this connection, the first respondent issued notice to the petitioner under Section 34 (1) (h) (i) of Tamil Nadu Co-operative Societies Act for disqualifying the petitioner from the above said post. Accordingly, the petitioner appeared before the first respondent and explained that the petitioner was elected as one of the Board of Director in previous period for five years and the third respondent also was elected as one of the Board of Director for the very same period, but he did not made any complaint against the petitioner, but now since he was defeated in the President election and he on that impression that the petitioner had defeated him. Hence he made false representations before the first respondent, but the first respondent without considering the same and passed the impugned order in his proceedings Tha.Va.1/2018 dated 27.02.2019, whereby disqualified the petitioner from holding the post of Board of Director and Vice President of the second respondent society. Challenging the impugned order passed by the first respondent this present Writ Petition is filed.

3. The learned counsel appearing for the petitioner also raised the ground that the petitioner has agitated the matter before the Appellate authority, since the order has been passed under Rule 107 of the Tamil Nadu Co-operative Societies Act.

4. The learned Government Advocate appearing for the first and second respondents submitted that the first respondent has issued notice to the petitioner under Section 34(1)(h)(i) of the Tamil Nadu Co-operative Societies Act for disqualifying the petitioner from the post of Board of Director and Vice President of the second respondent society. She further submitted that the petitioner can seek his remedy before the Appellate

authority under Section 152 of the Tamil Nadu Societies Act. Hence, challenging the said impugned order under Article 226 of the Constitution of India is not maintainable.

5. Accordingly, this Writ Petition stands dismissed. It is open to the petitioner to file an appropriate petition to seek his remedy before the Appellate authority under Section 152 of the Tamil Nadu Societies Act, within a period of two weeks from the date of receipt of a copy of this order. However, there shall be no order as to costs. Consequently, the connected Miscellaneous Petition is closed.

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Sd/-

Assistant Registrar (CS IV)

//True Copy//

Sub Assistant Registrar

To

1. The Deputy Registrar of Co-operative Societies,
Dharmapuri Circle, Dharmapuri,
Dharmapuri District.
2. The President,
DD88, Pappinaickanahalli Primary Agricultural
Co-operative Credit Society,
Pappinaickanahalli,
Palacode Taluk,
Dharmapuri Taluk,
Dharmapuri District.

+1cc to Mr.A.Ilaya Peruma, Advocate, S.R.No.24346

+1cc to Mr.C.Prakasam, Advocate, S.R.No.24883

+1cc to the Government Pleader, S.R.No.25098

W.P. No.7524 of 2019

Kak(02/04/2019)