



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No.666 of 2018

and

W.M.P. (MD) Nos.691 and 18678 of 2018

L.Johnson

... Petitioner

Vs

1.The Registrar of Co-operative Societies,
N.V.Natarajan Maligai,
170, E.V.R.Periyar High Road,
Kilpauk, Chennai-10.

2.The Joint Registrar of Co-operative Societies,
Kanyakumari Division,
Nagercoil,
Kanyakumari District.

3.The Deputy Registrar of Cooperative Societies,
Nagercoil Region,
Cooperative Societies,
Nagercoil, Kanyakumari District.

4.Edward Nikson

(R4 is impleaded vide order dated
14.03.2019 in W.M.P. (MD) No.13217 of 2018)

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records relating to the impugned proceeding of the Joint Registrar of Cooperative Societies of Kanyakumari Division dated 05.12.2017 in Na.Ka.No.1951/2016 r/g/ and quash the same.

For Petitioner: Mr.N.Dilip Kumar

For R1 to R3 : Mr.M.Rajarajan
Government Advocate

<https://hcservices.ecourts.gov.in/hcservices/>

For R4 : Mr.K.P.Narayanakumar

**ORDER**

Heard the learned Counsel on either side.

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2.The writ petitioner is the President of an Agricultural Co-operative Society. The Joint Registrar of Co-operative Society, Kanyakumari Region, issued notice dated 18.04.2015 under Section 36 of the Tamil Nadu Co-operative Societies Act, 1983. The petitioner filed W.P.(MD)No.11050 of 2015 and a learned Judge of this Court by order dated 02.07.2015 granted an interim order of status quo. The said writ petition is still pending. While so, the Joint Registrar of Co-operative Society, Nagercoil Region issued one more notice dated 05.12.2017 under Section 36 of the said Act, proposing to permanently disqualify the writ petitioner. This notice is under challenge in this writ petition.

3.It is obvious on a comparative reading of the two notices that there is a substantial overlapping of the subject matter. When the petitioner herein had already questioned the earlier notice issued under Section 36 of the Act, it is not open to the second respondent herein to once again issue another notice covering the same ground.

4.The second respondent, as his name indicates is under the impression that he is the king of all that he surveys. It is not so. When the Hon'ble High Court is seized of the matter, the second respondent should learn to wait for its outcome.

5.Therefore, on this sole ground, the impugned notice is set aside and this writ petition is allowed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CS-II)

/True Copy/

<https://hcservices.ecourts.gov.in/hcservices/>

Sub Assistant Registrar



To

1.The Registrar of Co-operative Societies,
N.V.Natarajan Maligai,
170, E.V.R.Periyar High Road,
Kilpauk, Chennai-10.

2.The Joint Registrar of Co-operative Societies,
Kanyakumari Division,
Nagercoil,
Kanyakumari District.

3.The Deputy Registrar of Cooperative Societies,
Nagercoil Region,
Cooperative Societies,
Nagercoil, Kanyakumari District.

+1cc to Mr. K.P.Narayana kumar, Advocate in SR.No. 54839

+1cc to Mr. N. Dilip kumar, Advocate in SR.No.54858

RR/03.05.2019/3P/6C

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