



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.9824 of 2014

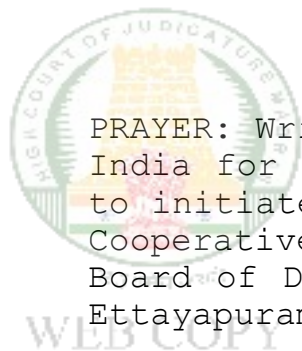
WEB COPY

S.Muthukrishnan Subbaiah

... Petitioner

vs.

- 1.The Secretary to the Government
Cooperative Department
Government of Tamil Nadu
Fort St.George, Chennai
- 2.The District Collector
Tuticorin District, Tuticorin
- 3.The Superintendent of Police
Tuticorin District, Tuticorin
- 4.The Inspector of Police
Commercial Crime Investigation Wing
District Police Office Complex
Tuticorin
- 5.The Registrar of Cooperative Societies
NVN Natarajan Maligai
Kilpauk, Chennai
- 6.The Joint Registrar of Cooperative Societies
Tuticorin Region, Theppakulam Road
Tuticorin
- 7.The District Revenue Officer
Officer under Essential Commodities Act
District Collectorate, Tuticorin
- 8.The President and Board of Directors
Tuticorin Cooperative Marketing Society Limited
Ettayapuram Road, Tuticorin
- 9.The Secretary / Special officer
Cooperative Sub-Registrar
Tuticorin Cooperative Marketing Society Limited
Ettayapuram Road, Tuticorin



PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus directing the 6th respondent to initiate enquiry/investigation under the provisions of Tamil Nadu Cooperative Societies Act and dissolve the office of the present Board of Directors of Tuticorin Cooperative Marketing Society Ltd., Ettayapuram Road, Tuticorin.

For Petitioner : Mr.S.Palani Velayutham

For Respondents : Mr.S.Dhayalan

Government Advocate for R1 to R7

Mr.D.Shanmugarajasethupathi for R8 & R9

Mr.A.Thiruvadikumar for R10

ORDER

The relief sought for in the present writ petition is for a direction to the sixth respondent to initiate enquiry / investigation, under the provisions of the Tamil Nadu Co-operative Societies Act, 1983 (hereinafter, referred to as "the Act"), and dissolve the office of the present Board of Directors of Tuticorin Co-operative Marketing Society Limited, Ettayapuram Road, Tuticorin.

2. The learned counsel for the writ petitioner states that he has handed over the bundle to the writ petitioner.

3. However, the learned counsel for the respondents 8 and 9 made a submission that the writ petitioner is a third party and he is not even a member of the Society.

4. A non-member of the Co-operative Society cannot file a writ petition against the Co-operative Society with reference to the affairs of the Society. Undoubtedly, certain complaints can be filed before the competent authorities for the purpose of initiation of action by any person since certain public duties are also performed by these Co-operative Societies. However, as far as the relief sought for in the present writ petition to initiate action to dissolve the Board of Directors, a third party may not have the right under the Act. This apart, the Board of Directors, against whom the present writ petition is filed, was also dissolved on expiry of the term and therefore, the very complaint now set out in the present writ petition deserves no further consideration.

5. However, this Court is of the considered opinion that the competent authorities of the Co-operative Societies have to conduct inspection / enquiry, with reference to Sections 80 and 81 of the Act then and there, to find out the affairs of the Co-operative Societies. In the event of finding any financial irregularity, fraud, misappropriation or financial loss, all suitable actions are to be initiated under the Act. This being the provision already under the Act, if at all the writ petitioner is having any information regarding any such illegality, he is at liberty to



submit a proper complaint before the competent authority for further action in this regard.

6. As far as the relief sought for in the present writ petition is concerned, the same requires no further consideration. Accordingly, the writ petition stands dismissed. No costs.

Sd/-

Assistant Registrar (AS)

// True Copy //

Sub Assistant Registrar(CS)

To:

- 1.The Secretary to the Government,
Cooperative Department,
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Fort St.George, Chennai.
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- 5.The Registrar of Cooperative Societies,
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- 6.The Joint Registrar of Cooperative Societies,
Tuticorin Region, Theppakulam Road,
Tuticorin.
- 7.The District Revenue Officer,
Officer under Essential Commodities Act,
District Collectorate, Tuticorin.

+1 cc Mr.D.SHANMUGARAJA SETHUPATHI ,Advocate, SR.No. 76569
+1cc to M/s.Special Government Pleader,SR.No. 76629

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