



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.12.2019

CORAM:

THE HONOURABLE MRS. JUSTICE PUSHPA SATHYANARAYANA

W.P.[MD]No.25331 of 2019

WEB COPY

Parveen Raj

: Petitioner

Vs.

1.The Deputy Registrar of Cooperative Societies,
Tenkasi District,
Tenkasi.

2.The Management,
O 1902, Alangulam Primary Agricultural
Cooperative Credit Society,
Alangulam, Alangulam Taluk,
Tenkasi District.

: Respondents

PRAYER: This Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing the respondent to number the Dispute Petition filed by the petitioner by taking it to file and to dispose of the Dispute Petition dated 15.10.2019, raised by the petitioner, relating to disqualifying the present President of the second respondent Society as per Rule 63 of the Tamil Nadu Cooperative Societies Rules, on merits and in accordance with law.

For Petitioner : Mr.K.R.Laxman

For Respondents : Mrs.J.Padmavathi Devi
Special Government Pleader

O R D E R

This writ petition has been filed seeking a direction to the respondent to number the Dispute Petition filed by the petitioner by taking it to file and to dispose of the Dispute Petition dated 15.10.2019, raised by the petitioner, relating to disqualifying the present President of the second respondent Society as per Rule 63 of the Tamil Nadu Cooperative Societies Rules, on merits and in accordance with law.

2.Heard Mr.K.R.Laxman, learned counsel appearing for the petitioner and Mrs.J.Padmavathi Devi, learned Special Government Pleader appearing for the respondents.

3.In the affidavit filed in support of this petition, it is seen that the petitioner is a member of the second respondent Society, in fact, the petitioner is one of the Directors of the second respondent Society. Further, in the election held on September 2019, one Mrs.Uma Devi, succeeded and is now holding the
<https://hccs.courts.gov.in/hccs/press> President of the second respondent Society. Later, it



came to light that one Mr.Selvam, who is a close relative of Mrs.Uma Devi is working as Junior Assistant in the second respondent Society. As per Rule 63 of the Tamil Nadu Cooperative Societies Rules, when one's relative is working in the society, such person is to be disqualified from contesting the election. Even in the election nomination, there is a column to fill up as to whether there is any Employee working in the Society and the said Uma Devi has suppressed the said fact in the election nomination.

4.Immediately after knowledge of the said fact, a dispute was raised under Section 90 of the Tamil Nadu Cooperative Societies Act, before the first respondent to intervene in the said issue vide Dispute Petition dated 15.10.2019, in which several infirmities committed by the said Uma Devi with the help of one Selvam have been pointed out. Since no action has been taken by the first respondent so far, the petitioner is before this Court by way of the present writ petition.

5.The learned counsel appearing for the petitioner submitted that the petitioner has filed the dispute petition dated 15.10.2019, in the typed-set of papers, which was sent by Registered Post.

6.The learned Special Government Pleader appearing for the respondents submitted that the dispute petition of the petitioner has not been received so far.

7.In view of the above, it is open to the petitioner to furnish one more copy of the said dispute petition dated 15.10.2019, to the first respondent within a period of two [2] weeks from the date of receipt of a copy of this order and on receipt of the same, the first respondent is directed to consider the said dispute petition dated 15.10.2019 and pass appropriate orders on merits and in accordance with law, within a period of four [4] weeks thereafter.

8.With the above directions, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)



To

1.The Deputy Registrar of Cooperative Societies,
Tenkasi District,
Tenkasi.

2.The Management,
O 1902, Alangulam Primary Agricultural
Cooperative Credit Society,
Alangulam, Alangulam Taluk,
Tenkasi District.

+1 CC to MR.K.R.LAXMAN, Advocate (SR-104276[F] dated 10/12/2019)

+1 CC to SPL.GP (SR-104499[F] dated 11/12/2019)

ORDER MADE IN
W.P. [MD]No.25331 of 2019
10.12.2019

_KM/ (03.02.2020) 3P 5C