



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.03.2020

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**THE HONOURABLE MR.JUSTICE S.S.SUNDAR
and
THE HONOURABLE MR.JUSTICE C.SARAVANAN**

**W.P.(MD).No.5881 of 2020
and W.M.P.(MD).No.5095 of 2020**

M.Ranjith Kumar

.. Petitioner

/Vs./

- 1.The Joint Registrar of
Co-operative Societies,
Sivagangai Region, Kanchirangal,
Sivagangai District.
- 2.The Deputy Registrar of
Co-operative Societies,
Sivagangai Region, Kanchirangal,
Sivagangai District.
- 3.The District Election Officer/
The Deputy Registrar of
Co-operative Societies,
Sivagangai Region, Kanchirangal,
Sivagangai District.
- 4.The Secretary,
N.N.628, Nattarasankottai Primary
Agricultural Co-operative Credit Society,
Nattarasankottai & Post, Kalayarkovil Taluk,
Sivagangai District.
- 5.M.Kannappan President,
N.N.628, Nattarasankottai Primary
Agricultural Co-operative Credit Society,
Nattarasankottai & Post, Kalayarkovil Taluk,
Sivagangai District.
- 6.V.Ravichandran Vice President,
N.N.628, Nattarasankottai Primary
Agricultural Co-operative Credit Society,
Nattarasankottai & Post, Kalayarkovil Taluk,
Sivagangai District.



7.S.P.Singaram,
Administrative Member,
N.N.628, Nattarasankottai Primary
Agricultural Co-operative Credit Society,
Nattarasankottai & Post, Kalayarkovil Taluk,
Sivagangai District.

.. Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India for issuance of writ of Quo Warranto under what authority the 5th to 7th respondent hold the post of President, Vice President and Administrative member respectively in the 4th respondent's Society.

For Petitioner : Mr.R.Saravanan
For Respondents : Mr.V.R.Shanmuganathan for R1 to R4
Special Government Pleader

O R D E R

(Order of this court was made by **S.S.SUNDAR, J.**)

This writ of Quo Warranto is filed questioning the qualification of respondents 5 to 7 who are declared elected to the post of President, Vice President and Administrative Member of 4th respondent society.

2.Repeatedly, this Court asked the petitioner how this petition for issuance of writ of quo warranto is maintainable, challenging the election of Office bearers of Co-operative society. The learned counsel for the petitioner is unable to answer the same. However, in response, the learned counsel for the petitioner submitted that the issue is covered by the judgment passed in **K.Venkatachalam Vs. A.Swamickan and another respondents** reported in **AIR 1999 SUPREME COURT 1723**.

3.The issue considered by the Honourable Supreme Court is regarding the election to the Member of Legislative Assembly. Since the Member of Legislative Assembly is holding a public office, a writ of quo warranto is maintainable. However, in this case, the petitioner challenges the election of respondents 5 to 7 who are holding the post of President, Vice President and Administrative Member of a Co-operative Society. The Co-operative Society is not a statutory body even though it is covered by a statute namely Tamilnadu Co-operative Societies Act. Every Co-operative Society is governed by the bye-laws of the society and therefore, this Court has time and again held that a writ against Co-operative society is not even maintainable as it is not a state within the meaning of Article 12 of the Constitution of India. The member of Board to administer the Society are not holding



4. In this case, except saying that the petitioner is a member of the society and that the respondents 5 to 7 are disqualified to contest the election, the petitioner has no other valid grounds. Having regard to the provisions of Tamil Nadu Co-operative Societies Act and Rules there is an effective alternative remedy available to challenge the election of respondents 5 to 7. This Court is unable to entertain the writ petition, as respondents 5 to 7 are not public officers or can not be treated as persons holding public office so as to maintain a writ of quo warranto questioning their authority to hold office as President, Vice President and Administrative Member of the Co-operative Society. However, it is open to the petitioner to challenge the election or qualification of the respondents 5 to 7 in the manner known to law.

5. With the above observations, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AS)

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/ /2020

Sub Assistant Registrar (CS)

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To

1. The Joint Registrar of Co-operative Societies, Sivagangai Region,
Kanchirangal, Sivagangai District.

2. The Deputy Registrar of Co-operative Societies,
Sivagangai Region, Kanchirangal, Sivagangai District.

3. The District Election Officer/The Deputy Registrar of Co-operative Societies,
Sivagangai Region, Kanchirangal, Sivagangai District.



4.The Secretary, N.N.628, Nattarasankottai Primary
Agricultural Co-operative Credit Society,
Nattarasankottai & Post, Kalayarkovil Taluk,
Sivagangai District.

+1 CC to M/s.R.SARAVANAN, Advocate (SR-12797[F] dated
23/03/2020)

W.P. (MD) .No.5881 of 2020
23.03.2020

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