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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.07.2021

CORAM

THE HONOURABLE Mr.JUSTICE D.KRISHNAKUMAR

W.P.No.21364 of 2018

and

W.M.P.No.25040 & 25041 of 2018

A.P.Ganapathi

...Petitioner

Vs.

1. The Deputy Registrar of Co-operative Societies,
Erode Circle, Erode, Erode District.
2. The President,
No.A.A.226, Modakkurichi Primary
Agricultural Cooperative Credit Society,
Modakkurichi Post-638104, Erode District.
3. The President,
K.863, Ezhumathur Primary
Agricultural Cooperative Credit Society,
Ezhumathur Post, Modakkurichi Via
Erode District.

...Respondents

Prayer:- The Writ Petition is filed under Article 226 of Constitution of India for writ of Certiorarified mandamus, calling for the entire records relating to the impugned order passed by the 1st Respondent in his proceedings Na.Ka.4934/2016 PACCS(1), dated 21.04.2018 and quash the same and consequently direct the 1st and 3rd Respondents to disburse the sugarcane price which was withheld by the 3rd Respondent to the petitioner.

For Petitioner

: Mr.C.Prakasam

For Respondent No. 1

: Mr.A.Selvendran, GA

Respondent No.2

: Mr.L.P.Shanmuga Sundaram

Respondent No.3

: Ms.T.Girija

O R D E R

The petitioner was residing in Anandampalayam Village and 'A' Class member of the third respondent society. He obtained Sugarcane Tie-up loan from the third respondent society and



repaid the same. His membership Number is 1390. According to the third respondent, petitioner is having own lands in S.No.64/1A, 2B, 5, 6, 7, 64/2B & 4 situated in Enjamalli Village, Modakkurichi Taluk, Erode District. He obtained an agricultural loan tie-up with Sakthi Sugars for a sum of Rs.91,600/- for cultivating sugarcane crops on 17.4.2015. The petitioner became a member of the second respondent society and obtained agricultural jewel loan for the very same property in S.No.64/1A, 2B, 5, 6, 7, 64/2B & 4 situated in Enjamalli Village, Modakkurichi Taluk, Erode District without the knowledge of the third respondent society. Based on the proceedings of the Deputy Registrar of Cooperative Societies, vide in Na.Ka.4934 of 2016 TAVA.5 dated 3.10.2017, enquiry was conducted under Sec.81 of the Tamilnadu Cooperative Societies Act on 9.2.2018. The aforesaid enquiry revealed that the petitioner has obtained an agricultural jewel loan in second respondent society for the same survey numbers. Therefore, the Deputy Registrar vide Na.Ka.No.4934/2018 PACS (1), dated 21.4.2018 directed the third respondent society to remove the petitioner from 'A' Class membership. Based on the aforesaid proceedings, the petitioner also submitted a letter to the third respondent society and he was removed from membership on 6.3.2018 as per the Board resolution. Therefore, his share amount kept in suspense account.

2. Admittedly, the petitioner has obtained agricultural loan and jewel loan from the second and third respondent society on the very same properties and therefore, this Court cannot interfere with the impugned order passed by the first respondent. Therefore, the contention of the petitioner that the petitioner is having right to continue his membership in both second and third respondent society cannot be accepted and consequently, the writ petition is liable to be dismissed.

3. In view of the above, the writ petition stands dismissed . No Costs. Connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

vaan
To

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



2. The President,
No.A.A.226, Modakkurichi Primary Agricultural Cooperative
Credit Society, Modakkurichi Post-638104, Erode District.

3. The President,
K.863, Ezhumathur Primary Agricultural Cooperative Credit
Society,
Ezhumathur Post,
Modakkurichi Via Erode District.

+lcc to Mr.T.Girija, Advocate Sr.35204
+lcc to the Government Pleader Sr.35549

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srg 18/08/2021