



IN THE HIGH COURT OF JUDICATURE AT MADRAS
Dated 13.07.2021

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.14293 of 2021 and
WMP No.15188 of 2021

E.Kandasamy ... Petitioner
Vs.

1. The State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
Co-operation, Food and Consumer Protection
Department, Fort St. George, Chennai 600 009.
2. The Registrar of Co-operative Societies,
No.170, NV Natarajan Maaligai,
EVR High Road, Poonamallee High Road,
Kilpauk, Chennai 600 010.
3. The Election Commission,
Tamil Nadu Co-operative Societies,
Rep. by its Election Commissioner,
No.170, NV Natarajan Maaligai,
EVR High Road, Poonamallee High Road,
Kilpauk, Chennai 600 010. ... Respondents

PRAYER: Writ petition filed under Section 226 of the Constitution of India to issue a writ of Mandamus or any other appropriate Writ, order or direction in the nature of Writ of Mandamus forbearing the respondents from dissolving or prematurely terminating the tenure of the petitioner as the President of No.5559, Nadandai Primary Agriculture Cooperative Society, elected in the year 2018, in the elections conducted in accordance with the Tamil Nadu Co-operative Societies Act, 1983 and the Tamil Nadu Co-operative Societies Rules, 1988.

For petitioner : Mr.L.P.Shanmugasundaram
For respondents : Mr.A.Selvendran, Govt.Advocate
for R1 and R2
Mr.U.Karunakaran for R3

ORDER

This writ petition has been filed by the elected President of the Cooperative Societies, seeking for a direction forbearing the respondents from dissolving or prematurely terminating the tenure of the petitioner as the President in No.5559, Nadandai Primary Agriculture Cooperative Society, elected in the year 2018, in the elections conducted



in accordance with the Tamil Nadu Co-operative Societies Act, 1983 and the Tamil Nadu Co-operative Societies Rules, 1988.

2. Heard Mr.L.P.Shanmugasundaram, learned counsel appearing for the petitioners and Mr.A.Selvendran, learned Government Advocate appearing for the respondents R1 and R2 and Mr.U.Karunakaran, learned counsel appearing for the third respondent.

3. The relief sought for in this writ petition has been elaborately considered and a common order had been passed by this Court in W.P.Nos. 12706 of 2021 etc., batch dated 05.07.2021. The above said order squarely applies to the facts of the present case. The relevant portion of the order is extracted below;

13.....Therefore, it is for the authorities concerned to enquire into the irregularities committed by any office bearers of the Societies and to take action against the office bearers concerned by following the procedures contemplated under the Tamil Nadu Cooperative Societies Act, 1983 and Rules, 1988. Hence, at this stage, this Court will not wish to decide the allegations of the petitioners raised in these writ petitions, as the contentions raised by the parties in all these writ petitions have to be raised before the appropriate forum at a later stage.

14. Though the petitioners made allegations against the officials of the respondents with regard to interfering and harassing the petitioners without following due process of law, at this stage, the same cannot be gone into by this Court without placing any supporting materials to substantiate these allegations.

15. The learned counsel for the parties have raised the issue/contention with regard to maintainability of the writ petitions. This Court has not gone into the issue with regard to maintainability of the writ petitioners, in view of the statement made by the first respondent in the Status Report.

16. This Court has recorded above, the submission made by the learned Advocate General, based on the Status Report of the first respondent. It is made clear that if any action taken by the respondents is contrary to the procedures as contemplated under the Tamil Nadu Cooperative Societies Act, 1983 and Rules, 1988, it is always open to the elected office bearers of the Societies to agitate the same before the appropriate forum.

17. With the above observations, these writ petitions are disposed of. No costs.



Consequently, connected miscellaneous petitions are closed. "

4. Following the aforesaid decision of this Court, this writ petition is also disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

mst

To

- 1.The Principal Secretary to Government,
State of Tamil Nadu,
Co-operation, Food and Consumer Protection Department,
Fort St. George, Chennai 600 009.
2. The Registrar of Co-operative Societies,
No.170, NV Natarajan Maaligai,
EVR High Road, Poonamallee High Road,
Kilpauk, Chennai 600 010.
3. The Election Commissioner,
The Election Commission,
Tamil Nadu Co-operative Societies,
No.170, NV Natarajan Maaligai,
EVR High Road, Poonamallee High Road,
Kilpauk, Chennai 600 010.

+1cc to the Government Pleader, S.R.No. 33299

W.P.Nos.14293 of 2021

PCH(CO)
GN(02/08/2021)