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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.07.2021

CORAM:

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P.No.14076 of 2021
and
WMP.Nos. 14954 of 2021

S.R.Chandrasekaran

..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 -9.
2. The Registrar of Co-operative Societies,
No. 170, NV Natarajan Maaligai,
EVR High Cort, Poonamallee High Road,
Kilpauk, Chennai -600010

..Respondents

Prayer in W.P. No. 14076 of 2021 : Writ Petitions filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus forbearing the respondents from interfering with the functioning of the elected body of office bearers of the co- operative society Federation by taking any policy decision to supersede the elected bodies without following any procedure under law.

For Petitioners : M/s.R.Hemalatha

For Respondents : Mr.A.Selvendran, GA

O R D E R

The instant writ petition has been filed for a direction forbearing the respondents from interfering with the functioning of the elected body of office bearers of the co-operative society Federation by taking any policy decision to supersede the elected bodies without following any procedure under law.



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2. Heard Mrs. R.Hemalatha, learned counsel appearing for the petitioners and Mr.A.Selvendran, learned Government Advocate appearing for the respondents.

3. The relief sought for in these writ petitions have been elaborately considered and passed common order by this Court in W.P.Nos. 12706 of 2021 etc., batch dated 05.07.2021. The said order is squarely applies to the facts of these present cases. 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.

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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, the present writ petition also disposed of. No costs. Consequently, connected miscellaneous petitions is closed.

Sd/-

Assistant Registrar(CS-VIII)

//True copy//

Sub Assistant Registrar

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To

1. The Principal Secretary to Government,
Co-operation, Food and Consumer
Protection Department,
Fort St.George, Chennai -9.
2. The Registrar of Co-operative Societies,
No. 170, NV Natarajan Maaligai,
EVR High Cort, Poonamallee High Road,
Kilpauk, Chennai -600010.

+1cc to the Government Pleader, SR.No.32134

W.P.No.14076 of 2021
and WMP.Nos. 14954 of 2021

JPL(CO)
RLP(04/08/2021)