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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.7.2021

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THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.NO.15018 OF 2021

AND

W.M.P.NO.15905 OF 2021

R.Thangamuthu

... Petitioner

.Vs.

- 1 The State of Tamil Nadu
Rep. by its Principal Secretary to Govt.,
Co-operation Food and Consumer
Protection Department, Fort St.George, Chennai 09
- 2 The Registrar of Co-operative Societies,
No. 170 NV Natarajan Maaligai,
EVR High Road, Poonammallee High Road,
Kilpauk, Chennai 10.
- 3 The Election Commission
Tamil Nadu Co-operative Societies
Rep. by the Election Commissioner,
No.170 NV, Natarajan Maaligai, E.V.R. High Road
Poonammallee High Road, Kilpauk, Chennai.

... Respondents

Prayer:- The Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus, forbearing the respondents from dissolving or prematurely terminating the tenure of the petitioner as the President of the No. 622 Mohanur Primary Agriculture Co-operative Credit 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 Respondent No. 1 & 2 : Mr.A.Selvenderan, G.A.

For Respondent No.3 : Mr.V.Karunakaran



ORDER

The writ petition is filed for issuing a Writ of Mandamus, forbearing the respondents from dissolving or prematurely terminating the tenure of the petitioner as the President of the No.622 Mohanur Primary Agriculture Co-operative Credit 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 petitioner and Mr.A.Selvendran, learned Government Advocate appearing for the respondents 1 & 2, Mr.V.Karunakaran, learned counsel appearing for the third respondent and perused the materials available on record.

3. The relief sought for in this writ petition has 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 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.



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

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

- 1 The Principal Secretary to Govt., State of Tamil Nadu
Co-operation Food and Consumer Protection Department,
Fort St.George, Chennai 09
- 2 The Registrar of Co-operative Societies,
No. 170 NV Natarajan Maaligai, EVR High Road,
Poonammallee High Road, Kilpauk, Chennai 10.
- 3 The Commissioner,
Election Commission, Tamil Nadu Co-operative Societies,
No.170 NV, Natarajan Maaligai, E.V.R. High Road,
Poonammallee High Road, Kilpauk, Chennai-600 010.

+1cc to the Government Pleader, S.R.No.34746

W.P.No.15018 of 2021
and W.M.P.No.15905 of 2021

NK(CO)
CS/13/08/2021