



IN THE HIGH COURT OF JUDICATURE AT MADRAS
Dated 23.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.15165 of 2021 and
WMP No.16056 of 2021

A.N.E.Boopathi ... Petitioner

Vs.

1. The 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. ... Respondents

PRAYER: Writ petition filed under Section 226 of the Constitution of India to issue a writ of Mandamus forbearing the respondents from interfering with the functioning of the elected body of office bearers of the Co-operative Society by taking any policy decision to supersede the elected bodies, without following any procedure under law.

For petitioner : Mrs.R.Hemalatha
for Ms. Ramya
For respondents : Mr.A.Selvendran,
Government Advocate

ORDER

This writ petition has been filed by the elected President of the Cooperative Societies, seeking to issue a writ of Mandamus forbearing the respondents from interfering with the functioning of the elected body of office bearers of the Co-operative Society by taking any policy decision to supersede the elected bodies, without following any procedure under law.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents.



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 is squarely applies to the facts of these 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



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

WEB COPY

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

mst
To

1. The 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.

+1 cc to Government Pleader Sr.No. 35550

W.P.Nos.15165 of 2021

AK II
A.SK(18.08.2021)