



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE **M.M.SUNDRESH**

AND

THE HONOURABLE MRS.JUSTICE **S.ANANTHI**

W.P. (MD) No.2591 of 2020

WEB COPY

C.Deva Raj

: Petitioner

Vs.

1.The District Collector,
Kanyakumari District,
Kanyakumari.

2.The Joint Registrar,
Co-operative Societies,
Nagercoil - 1,
Kanyakumari District.

3.Christopher Selvakumar

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Mandamus directing the respondents 1 & 2 to take action and remove the third respondent from the post of Secretary of the Kattadurai Primary and Agricultural Societies, Kanyakumari District, based on the petitioner's representation dated 25.05.2019.

For Petitioner : Mr.G.Gomathi Sankar

For Respondents : Mrs.J.Padmavathi Devi,
Special Government Pleader
for R.1 & R.2

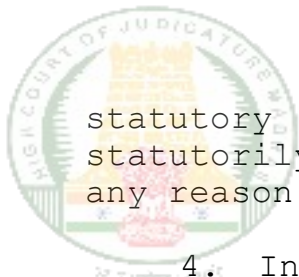
ORDER

(Order of the Court was made by **M.M.SUNDRESH, J.**)

The petitioner seeks a direction to the respondents 1 & 2 to take action against the third respondent, who was working as a Secretary and thereafter, contested in the election for the management of a Church.

2. The aforesaid petitioner's complaint dated 25.05.2019 was on the premise that the third respondent has violated Rule 149(6) of the Tamil Nadu Co-operative Societies Rules, 1988.

3. We have perused Rule 149(6) of the Tamil Nadu Co-operative Societies Rules, 1988. It does not prohibit a board employee of the society from contesting in an election meant for management and administration of a Church. Right to contest is obviously a



statutory right and so also, such a right can only be taken away statutorily. Since there is no embargo to contest, we do not find any reason to entertain this writ petition.

4. In such view of the matter, this writ petition stands dismissed. No costs.

Sd/-

Assistant Registrar (CRL)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

To

1. The District Collector,
Kanyakumari District,
Kanyakumari.

2. The Joint Registrar,
Co-operative Societies,
Nagercoil - 1,
Kanyakumari District.

+1 CC to M/s.G.GOMATHI SANKAR, Advocate (SR-14228[F] dated 29/03/2021)

+1 CC to M/s.SPL GP (SR-14337[F] dated 30/03/2021)

+1 CC to M/s.T.ANTONY ARUL RAJ, Advocate (SR-14616[F] dated 31/03/2021)

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NSM(CO)
KB(22.04.2021) 2P 6C