



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.07.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

**W.P. (MD) .No.11915 of 2021
and W.M.P. (MD) .No.9352 of 2021**

WEB COPY

S.P.K.Ganeshan

... Petitioner

Vs.

1.The Director,
Agro Engineering Services,
Cheyapak,
Chennai.

2.The Deputy Registrar of Co-operative Societies,
Agro Engineering Services,
Cheyapak,
Chennai.

3.The Joint Director of Agriculture,
Collectorate Complex,
Sivagangai.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records related to the impugned order issued by the 1st respondent in Rc.No.36763/2021/AES-2(1) dated 16.06.2021 and quash the same as illegal and consequently, direct the respondents to restore the activities of the society and its function for the welfare of its members and public.

For Petitioner : Mr.K.K.Maheshraja

For Respondents : Mr.M.Lingadurai
Government Advocate

ORDER

On consent given by either side, the main Writ Petition itself has been taken up for final hearing.

2. The subject matter of challenge in the present Writ Petition is the order passed by the second respondent through the proceedings, dated 16.06.2021, wherein, the Society has been wound up in accordance with the provisions under Section 137 (2) of the Tamil Nadu Co-operative Societies Act, 1983.



3. Heard Mr.K.K.Maheshraja, learned counsel appearing for the petitioner and Mr.M.Lingadurai, learned Government Advocate appearing for the respondents 1 to 3.

4. A careful reading of the order passed by the second respondent shows that it is completely in violation of the procedure that is mandated under Rule 113 of the Tamil Nadu Co-operative Societies Rules, 1988. That apart, the petitioner has also raised a plea to the effect that even notice to the petitioner was not properly served in this case.

5. The impugned order passed by the second respondent is liable to be interfered with by this Court in view of the violation of the procedure under Section 137 of the Tamil Nadu Co-operative Societies Act, 1983 read with Rule 113 of the Tamil Nadu Co-operative Societies Rules, 1988. Accordingly, the impugned order of the second respondent, dated 16.06.2021, is hereby quashed.

6. The matter is remanded back to the file of the second respondent and the second respondent is directed to proceed further strictly in accordance with Section 137 of the Tamil Nadu Co-operative Societies Act, 1983 read with Rule 113 of the Tamil Nadu Co-operative Rules, 1988. A final decision shall be taken by the second respondent within a period of six weeks from the date of receipt of a copy of this order.

7. In the result, this Writ Petition stands allowed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

tsg

NOTE:

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Director,
Agro Engineering Services,
Cheyapak,
Chennai.

<https://hcservices.ecourts.gov.in/hcservices/>



2.The Deputy Registrar of Co-operative Societies,
Agro Engineering Services,
Cheyapak,
Chennai.

3.The Joint Director of Agriculture,
Collectorate Complex,
Sivagangai.

+1 CC to M/s.SPL GP (SR-22963[F] dated 16/07/2021)

W.P. (MD) .No.11915 of 2021

Dated:15.07.2021

RK (26.07.2021) 3P 5C