



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.01.2022

CORAM :

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.NO.775 OF 2022
W.M.P.NO.865 OF 2022

R.Shanmugam

... Petitioner

.Vs.

1. The Government of Tamil Nadu,
Rep. By its Secretary,
Co-operative Department,
Fort St. George,
Chennai.
2. The Director of Fisheries,
Office of the Director of Fisheries,
Administrative Building,
Teynampet, Chennai - 600 018.
3. The Joint Director of Fisheries (Regional),
Santhome High Road,
Chennai - 600 028.
4. The Assistant Director of Fisheries,
Regional Office,
Vellore.
5. The Special Officer,
The Inspector Of Fisheries Department,
Thiruvannamalai & District.

... Respondents

PRAYER:-

Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus forbearing the respondents from registering the proposed society or any other person or persons to be formed as a society in the area of operation of the petitioner - society namely, Sathanur Dam share Fishermen Co-operative Marketing society Ltd., Thandarampet Taluk, Thiruvannamalai District with identical object in future.



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For Petitioner : Mr.C.Santhoshkumar

For Respondents : Mr.A.Selvendran
1 to 4 Special Government Pleader

For Respondent 5 : Mr.S.Jayachandran

O R D E R

The relief sought for in the present Writ Petition is to forbear the respondents from registering the proposed society or any other person or persons to be formed as a society in the area of operation of the petitioner - society namely, Sathanur Dam share Fishermen Co-operative Marketing society Ltd., Thandarampet Taluk, Thiruvannamalai District.

2. The Cooperative Societies Act is a comprehensive legislation, where the societies are registered by the members and the rights of the such members cannot be taken away by the petitioner or by any persons regarding area of operation. If at all application is submitted by any person, the eligibility criteria must be verified and by following the procedures as contemplated, the authorities competent are bound to register the society in the manner known to law.

3. Contrarily, the right under the provisions of the Cooperative Societies Act cannot be denied or restrained by any other persons. No doubt, objections may be submitted to the authorities and the authorities are bound to consider all the aspects including objections and thereafter consider the case for registration.

4. In the present case, the Writ petition itself is foiled for seeking negative relief not to register the society. Further, the person proposed to be registered is also not impleaded as a party respondent.

5. Under these circumstances, the Writ Petition is not entertainable and accordingly, the Writ Petition stands dismissed. No costs. Consequently, connected W.M.P is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

Kan/Jeni



To

1. The Government of Tamil Nadu,
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Vellore.
5. The Special Officer,
The Inspector Of Fisheries Department,
Thiruvannamalai & District.

+1cc to the Government Pleader, S.R.No.4730

W.P.NO.775 OF 2022

GPL(CO)
PBS/01/03/2022