



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.03.2022

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P.NO.4432 OF 2022

AND

W.M.P.NO.4575 OF 2022

M.Elangovan

.. Petitioner

Vs.

1. The Additional Registrar of Cooperative Societies,
Chennai Region,
St.Marys Road,
Chennai - 600 004.

2. The Managing Director,
North Madras Co-operative Wholesale Stores Ltd.,
Chennai.

.. Respondents

Prayer:

Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorari, calling for the records of the 1st Respondent in Impugned order dated 29.12.2021 made in Na.Ka.No.2095/2021/E2 issued against the Petitioner and quash the same.

For Petitioner : Mr.L.P.Shanmugasundaram

For Respondents : Mr.U.Baranidharan
Additional Government Pleader

O R D E R

This Writ Petition is filed for issuance of Writ of Certiorari to call for the records of the 1st respondent in Impugned order dated 29.12.2021, made in Na.Ka.No.2095/2021/E2 issued against the petitioner and quash the same.

2.The petitioner is the elected President of the North Madras Co-operative Wholesale Stores Ltd., and is functioning from 08.03.2019 by discharging his duties without any blemish. After the petitioner took charge as President, the interest of



the society have been protected. The day-to-day activity of the society is conducted by the Managing Director and the petitioner is nothing to do with the administration of the society. While so, due to political reason, the proceedings under Section 36(1) of the Tamil Nadu Co-operative Societies Act, 1983 has been initiated against the petitioner and the petitioner is removed from the post of President. The petitioner is challenging the said order in the present Writ Petition. The petitioner has raised various grounds on merits in the present Writ Petition.

3.The learned counsel appearing for the petitioner extensively referred to various grounds raised by the petitioner and prayed for setting aside the impugned order.

4.The learned Additional Government Pleader appearing for the respondents submitted that against the order of removal passed under Section 36(1) of the Tamil Nadu Co-operative Societies Act, 1983, the petitioner has an effective alternate remedy of appeal under Section 152 of the Tamil Nadu Co-operative Societies Act, 1983. Without exhausting the effective appellate remedy, the petitioner has approached this Court and hence, the Writ Petition is not maintainable and prayed for dismissal of the Writ Petition.

5.Heard the learned counsel appearing for the petitioner as well as the learned Additional Government Pleader appearing for the respondents and perused the entire materials on record.

6.The petitioner is challenging the order of the 1st respondent dated 29.12.2021, passed under Section 36(1) of the Tamil Nadu Co-operative Societies Act, 1983. Even though the learned counsel appearing for the petitioner raised various grounds on merits, the Writ Petition is liable to be dismissed on the ground that the petitioner has effective alternate remedy of appeal. The petitioner has not given any reason for not availing alternate remedy of appeal.

7.For the above reasons, the Writ Petition is dismissed. However, it is open to the petitioner to file an appeal raising all the grounds of objection now raised before this Court, if he so desires. Consequently, the connected Miscellaneous Petition is closed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

krk



To

1. The Additional Registrar of Cooperative Societies,
Chennai Region,
St. Marys Road,
Chennai - 600 004.
2. The Managing Director,
North Madras Co-operative Wholesale Stores Ltd.,
Chennai.

Copy To

The Section Officer,
ER Section, High Court,
Madras.

+1cc to Government Pleader, SR.NO.15043

W.P.No.4432 of 2022

EV (CO)
PM/23/03/2022