WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 23.03.2022
CORAM:
THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**
W.P.(MD)No.5136 of 2022

R.Bakthavathsalam .. Petitioner

Vs

1.The State Government of Tamil Nadu,
represented by its Secretary to the Government,
Department of Food and Cooperative Societies,
Chennai - 5.

2.The Joint Registrar of Cooperative Societies,
Nagercoil,
Kanniyakumari District.

3.The Deputy Registrar of Co-operative Societies,
District Election Officer, Thuckalay,
Kanniyakumari District-628 175.

4.Y-70, Charappazhanji Athencode Primary
Agricultural Cooperative Society,
Represented by its Secretary,
Methukummal Post,
Kanniyakumari District - 629 172.

5.Y-1022, Methukkummal Primary Agricultural
Cooperative Credit Society,
represented by its Secretary,
Suriyacode Post,
Kanniyakumari District - 629 163.

6.Y-73, Kurumathoor Primary Agricultural
Cooperative Credit Society,
Thirithuvapuram Post,
Kuzhithurai,
Kanniyakumari District - 620 163. .. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 3rd respondent to pass orders on the petitioner's representation, dated 24.01.2022, within the time stipulated by this Court.

For Petitioner : Mr.M.P.Senthil

For Respondents : Mr.P.Thilak Kumar
Government Pleader

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

WEB COPY

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the third respondent to pass orders on the petitioner's representation, dated 24.01.2022, within a time frame to be fixed by this Court.

2.According to the petitioner, as per the byelaws of the fourth respondent society only members residing within its jurisdiction are permitted to vote in the elections for the subject society. However, according to the petitioner, persons who are not residing within the jurisdiction of the fourth respondent society have been included in the voters list for the said society. The petitioner has sent a representation, dated 24.01.2022, to the official respondents to rectify the mistake and prepare a fresh voters list for the ensuing election. Since the said representation has not been considered till date, the petitioner has filed this writ petition.

3.Heard Mr.M.P.Senthil, learned counsel for the petitioner and Mr.P.Thilak Kumar, learned Government Pleader, who accepts notice on behalf of the respondents.

4.No prejudice will be caused to the respondents, if the petitioner's representation, dated 24.01.2022, seeking to rectify the voters list for the ensuing election for the fourth respondent society is considered on merits and in accordance with law, after affording a fair hearing to the petitioner and any other necessary party, whom the third respondent deems fit to enquire.

5.Accordingly, this Court directs the third respondent to consider the petitioner's representation, dated 24.01.2022, requesting the third respondent to rectify the alleged mistake committed in the voters list for the fourth respondent's society and pass final orders on merits and in accordance with law, after affording a fair hearing to the petitioner and the fourth respondent as well as any other necessary parties, whom the third respondent deems fit to enquire, within a period of twelve weeks from the date of receipt of a copy of this order.

6.With the aforesaid directions, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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

WEB COPY

TM

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 State Government of Tamil Nadu,
represented by its Secretary to the Government,
Department of Food and Cooperative Societies,
Chennai – 5.

2.The Joint Registrar of Cooperative Societies,
Nagercoil,
Kanniyakumari District.

3.The Deputy Registrar of Co-operative Societies,
District Election Officer, Thuckalay,
Kanniyakumari District.

4.Y-70, Charappazhanji Athencode Primary
Agricultural Cooperative Society,
Represented by its Secretary,
Methukummal Post,
Kanniyakumari District – 629 172.

5.Y-1022, Methukkummal Primary Agricultural
Cooperative Credit Society,
represented by its Secretary,
Suriyacode Post,
Kanniyakumari District – 629 163.

6.Y-73, Kurumathoor Primary Agricultural
Cooperative Credit Society,
Thirithuvapuram Post,
Kuzhithurai,
Kanniyakumari District – 620 163.

+1 CC to M/s.M.P.SENTHIL, Advocate (SR-14016[F] dated 24/03/2022)

+1 CC to M/s.SPL GP (SR-14225[F] dated 24/03/2022)

W.P.(MD)No.5136 of 2022
23.03.2022

_RD(01.04.2022) 3P 9C

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