



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

**DATED: 20.05.2022**

CORAM:

THE HONOURABLE **MR.JUSTICE ABDUL QUDDHOSE**

W.P.[MD]No.10109 of 2022

and

W.M.P.[MD]No.7187 & 7189 of 2022

WEB COPY

D.Jayapandi

... Petitioner

/Vs./

1.The Registrar of Co-operative Societies,  
170, N.V.Natarajan Maligai,  
Poonamallee High Road, Kilpauk,  
Chennai 600 010.

2.The Joint Registrar of Co-operative Societies,  
Office of the Joint Registrar of Co-operative,  
Dindigul.

3.The Deputy Registrar of Co-operative Societies,  
Dindigul Co-operative Circle,  
Dindigul.

... Respondents

**PRAYER:** Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorari calling for the records pertaining to the impugned order of the respondent in Na.Ka.No.658/2017/Sa.Pa dated 29.04.2022 and quash the same.

For Petitioner : Mr.S.Ramsundarvijayaraj

For Respondents : Mrs.D.Farjana Ghaushia  
Special Government Pleader

**ORDER**

This writ petition has been filed challenging the impugned order dated 29.04.2022 disqualifying the petitioner as the President of the Society under Section 36 of the Tamil Nadu Co-operative Societies Act, 1983 (hereinafter referred to as "the Act").

2.The petitioner has challenged the impugned order on the ground of violation of principles of natural justice and also on the ground that the respondent has not followed the procedure contemplated under Section 36 of the Act.

3.It is the contention of the petitioner that the surcharge proceedings initiated against the petitioner under Section 87 of the



Act was dropped, but despite the same, the impugned order dated 29.04.2022 has been under Section 36 of the Act disqualifying the petitioner as the President of the Society.

4.As seen from the impugned order, the petitioner has not been heard. The petitioner has been disqualified as the President of the said Society.

5.The learned counsel appearing for the petitioner drew the attention of this Court to the surcharge proceedings initiated under Section 87 of the Act and would submit that the surcharge proceedings initiated as against the petitioner has been dropped, but despite the same, the impugned order has been passed under Section 36 of the Act disqualifying the petitioner as the President of the Society. The petitioner has also filed a copy of the explanation submitted by him in respect of the surcharge proceedings initiated against him, which is dated 15.11.2017.

6.As seen from the impugned order, the said explanation has also not been considered. Therefore, this Court is of the considered view that the third respondent has violated the procedure contemplated under Section 36 of the Act. Hence, the impugned order has to be necessarily quashed and the matter has to be remanded back to the third respondent for fresh consideration on merits and in accordance with law, after affording a fair hearing to the petitioner and by following the procedure contemplated under Section 36 of the Act.

7.In the result, the impugned order dated 29.04.2022 passed by the third respondent is hereby quashed and the matter is remanded back to the third respondent for fresh consideration. The third respondent is directed to pass final orders on merits and in accordance with law, after affording a fair hearing to the petitioner and by following the procedure contemplated under Section 36 of the Act, within a period of twelve (12) weeks from the date of receipt of a copy of this order.

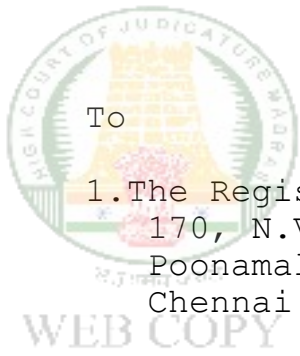
8.With the aforesaid direction, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Vacation Officer/  
Assistant Registrar (CS-III)

// True Copy //

/ /2022  
Sub Assistant Registrar(CS)



To

1.The Registrar of Co-operative Societies,  
170, N.V.Natarajan Maligai,  
Poonamallee High Road, Kilpauk,  
Chennai 600 010.

2.The Joint Registrar of Co-operative Societies,  
Office of the Joint Registrar of Co-operative,  
Dindigul.

3.The Deputy Registrar of Co-operative Societies,  
Dindigul Co-operative Circle,  
Dindigul.

+1 CC to M/s.S. RAMSUNDARVIJAYRAJ, Advocate ( SR-24052[F] dated  
23/05/2022 )

+1 CC to M/s.SPL.GP ( SR-24080[F] dated 23/05/2022 )

**W.P.[MD]No.10109 of 2022**

Dated:

**20.05.2022**

RK(31/05/2022) 3P 6C