



W.P.(MD)No.13345 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.07.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.13345 of 2022

and

W.M.P(MD)Nos.9466, 9467 & 9469 of 2022

V.Kathiresan

... Petitioner

Vs

- 1.The Commissioner and Director of
Industries and Commerce,
SIDCO Corporate Office Building,
Guindy Industrial Estate,
Chennai – 600 032.
- 2.The Additional Commissioner,
Department of Industrial and Commerce /
Registrar of Industrial Cooperatives Societies,
SIDCO Corporate Office Building,
Guindy Industrial Estate,
Chennai – 600 032.
- 3.The General Manager,
District Industries Centre,
Alagar Kovil Road,
Madurai – 625 002.
- 4.The Secretary / Administrative Office,
Madurai Automobile Co-operative
Industrial Estate Limited, Ind.No.1839
Kappalur,
Madurai – 625 008.

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the entire records connected with the impugned order passed by the second respondent in Proc. R.C.No. 11840/ICD/2022 - 1 dated 29.04.2022 and quash the same and direct the respondents to allow the elected body of Madurai Automobile Cooperative Industrial Estate Limited, Ind. No. 1839 to administer till the lawful tenure.

For Petitioner : Mr.K.K.Kannan

For Respondents : Mr.Veerakathiravan
Additional Advocate General
Assisted by Mr.P.Thilak Kumar
Government Pleader

ORDER

Heard the learned counsel appearing for the writ petitioner and the learned Additional Advocate General assisted by the learned Government Pleader appearing for the respondents.

2. By the impugned order the elected Board of Madurai Automobile Cooperative Industrial Estate Limited has been superseded. It is seen that the order has been passed under Section 88 of Tamil Nadu Co-operative Societies Act, 1983. While the said provision provides for supersession of an elected Board, it also mandates that the Registrar can pass such order only after giving



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the Board an opportunity of making its representation. In other words, the show cause notice must be given in writing. In this case, the impugned order has been passed without affording such an opportunity.

3. On this sole ground, the order impugned in this writ petition is quashed. The first respondent is at liberty to proceed in the manner known to law. With this liberty to the first respondent, this writ petition is allowed. Consequently, connected miscellaneous petitions are closed. No costs.

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Index : Yes / No
Internet : Yes/ No
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To

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- 3.The General Manager,
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