



WEB COPY

W.P.No.6579 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.No.6579 of 2023

G.Srikanth

... Petitioner

vs.

1.The Registrar of Co-operative Societies (Housing),
No.48, Ritherdon Road,
Veperi, Chennai - 600 007.

2.Murugan Nagar Co-operative Building Society Limited,
S.L.M.H.S.G. No.2,
Murugan Nagar,
Raman Nagar - Post,
Mettur Dam - 636 403,
Represented by its Secretary

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for writ of Mandamus directing the first respondent herein to dispose of the petitioner's representation dated 03.01.2023 and pass orders on merit under section 22(2)(ii) of Tamilnadu Co-operative Societies Act, 1983.

For Petitioner

: Mr.M.R.Thangvel

For Respondent 1

: Mr.S.Ravikumar,
Special Government Pleader

**ORDER**

This writ petition has been filed for a mandamus seeking for a direction to the first respondent to pass final orders on the petitioner's representation dated 03.01.2023 submitted as per the provisions of section 21(2)(ii) of the Tamilnadu Co-operative Societies Act, 1983 within a time frame to be fixed by this Court.

2. Mr.S.Ravikumar, learned Special Government Pleader accepts notice on behalf of the first respondent. Since no adverse orders are passed against the second respondent, notice to the second respondent is dispensed with by this Court. By consent of both the parties, this writ petition is taken up for final disposal in the admission stage itself.

3. The grievance of the petitioner is that the second respondent Society has been inducting unqualified members, contrary to the second respondent Bye-laws. In such circumstances, the petitioner has given a representation dated 03.01.2023 as per the provisions of section 21(2)(ii) of the Tamil Nadu Co-operative Societies Act to the first respondent requesting the first respondent to take action against the second respondent



for inducting unqualified members contrary to the second respondent's bye-laws. Since the representation has not been considered till date, the petitioner has filed this writ petition.

4. Heard Mr.M.R.Thangavel, learned counsel for the petitioner and Mr.S.Ravi Kumar, learned Special Government Pleader appearing for the first respondent.

5. No prejudice would be caused to any of the parties, if the petitioner's representation as stated supra is considered on merits and in accordance with law, after affording a fair hearing to the petitioner as well as to the second respondent society.

6. For the foregoing reasons, this Court directs the first respondent to pass final orders on merits and in accordance with law on the petitioner's representation dated 03.01.2023 given under the provisions of section 21(2)(ii) of the Tamil Nadu Co-operative Societies Act, 1983 seeking to take action against the second respondent Society for inducting members who are not qualified, contrary to the second respondent's Bye-



laws, after affording a fair hearing to the petitioner as well as the second respondent within a period of eight weeks from the date of receipt of a copy of this Order.

7. With the aforesaid direction, this writ petition is disposed of. No costs.

02.03.2023

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Index : Yes/No

Speaking/Non speaking orders

Neutral citations : Yes/No



To

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ABDUL QUDDHOSE, J.

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