



W.P.No.21794 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.07.2023

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

WP.No.21794 of 2023 & WMP.No.21125 of 2023

M.Vasantha

... Petitioner

Vs

1. The Commissioner of Social Welfare Office,
2nd Floor, Panagal Maligai, 1, Abdul Razzak St.,
Anna Nagar, Saidapet, Chennai – 600 015.

2. The District Social Welfare Officer,
Collectorate Compound, Villupuram District.

3. The Industrial Co-operative Officer,
Women Tailoring Industrial Co-operative Society,
East Shanmugapuram Colony, Villupuram.

... Respondents

Prayer:- Writ Petition filed under the Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records of second respondent vide in his proceedings in Na.Ka.No.699/A1/2022 dated 22.02.2023 and quash the same and consequently direct the first respondent to allow the petitioner to continue as a member of the third respondent society.



W.P.No.21794 of 2023

For petitioners : Mr.K.Thenrajan

For respondents : Mr.S.Prabakaran
Government Advocate

ORDER

This Writ Petition has been filed to quash the proceedings of the second respondent in Na.Ka.No.699/A1/2022 dated 22.02.2023 and consequently direct the first respondent to allow the petitioner to continue as a member of the third respondent society.

2. The petitioner joined the third respondent society as a member in the year 1985. All of a sudden, the second respondent passed the impugned Order stating that the petitioner is ineligible for the member of the third respondent quoting the Bye Laws of the Co-operative Society that a person aged above 60 years is not eligible to act as member. It is the grievance of the writ petitioner that she is only aged 59 years and that she was not given any opportunity to prove her age. Hence, the impugned Order has to be quashed.



W.P.No.21794 of 2023

WEB COPY

3. On a perusal of the impugned Order, it is seen that no opportunity whatsoever, has been passed given to the petitioner. The respondent ought to have given opportunity to the petitioner before passing the impugned Order to prove her age. In such view of the matter, the impugned Order dated 22.02.2023, which has been passed violating the principles of natural justice, has to be quashed.

4. Accordingly, the impugned Order dated 22.02.2023 passed by the second respondent is set aside and this Writ Petition is allowed. However, the second respondent shall give an opportunity to the petitioner and pass further Order on its own merits. Consequently, connected miscellaneous petition is closed. No costs.

24.07.2023

Index:Yes/No

Neutral Citation : Yes/No

vrc



W.P.No.21794 of 2023

WEB COPY

To,

1. The Commissioner of Social Welfare Office,
2nd Floor, Panagal Maligai, 1, Abdul Razzak St.,
Anna Nagar, Saidapet, Chennai – 600 015.
2. The District Social Welfare Officer,
Collectorate Compound, Villupuram District.
3. The Industrial Co-operative Officer,
Women Tailoring Industrial Co-operative Society,
East Shanmugapuram Colony, Villupuram.



WEB COPY



W.P.No.21794 of 2023

N.SATHISH KUMAR, J.

VTC

WP.No.21794 of 2023

24.07.2023