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W.P.No.24398 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :18.08.2023

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THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P No.24398 of 2023
and W.M.P.No.23830 of 2023

K.Shanmugam

...Petitioner

Vs.

1. Registrar of Cooperative Societies [Housing]
Tamil Nadu Cooperative Housing Federation
2nd Floor, No. 48, Ritherdon Road
Vepery, Chennai 600 007

2. Deputy Registrar of Cooperative Societies [Housing]
Madras Regional Office
Medavakkam Tank Road
Kellys, Chennai 600 010

3. Madras Secretariat Cooperative Building Society Ltd. [X-370]
Represented by its President
No. 144, 3rd Street, Secretariat Colony
Kellys, Chennai 600 010

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the First and Second Respondent to liquidate Third Respondent Society based on the representation submitted by the petitioner dated 24.04.2023.



W.P.No.24398 of 2023

For Petitioner : Mr.S.Shujath
For Respondent 1 & 2 : Mr.P.Anandha Kumar
Government Pleader
For Respondent 3 : Mr.S.Balamurugan
Government Advocate

ORDER

The Writ Petitioner herein seeks a direction to the respondents 1 & 2 to liquidate the 3rd respondent society based on the representation submitted by the petitioner dated 24.04.2023.

2.According to the petitioner, he is a member of the 3rd respondent society with Membership No.216. It is averred by the petitioner that certain persons, who are not eligible to become the members of the 3rd respondent society, which is meant for persons working in secretariat, got admitted to the society. It is also stated by the petitioner that the persons, who are not eligible to become the members of the society after their irregular admission to the society also had taken over the administration. The petitioner submitted a representation to the 2nd respondent on 24.04.2023, making certain allegations



W.P.No.24398 of 2023

of mismanagement and also admission of ineligible members against the persons in the helm of affairs of the society and the same has not been considered till date.

3. Mr.P.Anandha Kumar, learned Government Advocate takes notice for the respondents 1 & 2. Mr.S.Balamurugan, learned Government Advocate takes notice for the 3rd respondent.

4. Though the petitioner prayed for a positive direction to the respondents 1 & 2 to liquidate the 3rd respondent society based on the allegations made by him in the representation, such a direction cannot be issued to the 1st respondent without considering the correctness of the allegations made by the petitioner. In such circumstances, without expressing any opinion on the merits of the allegations made by the petitioner, this court is inclined to issue a direction to the 2nd respondent to consider the representation of the petitioner dated 24.04.2023 and pass final orders on merits and in accordance with law after issuing notice to all the persons interested, within a period of 6 weeks from the date of receipt of a copy of this order.



WEB COPY



W.P.No.24398 of 2023

S.SOUNTHAR, J.

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5.With the above direction, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

18.08.2023

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
mac/nti

To

1. The Registrar of Cooperative Societies [Housing],
Tamil Nadu Cooperative Housing Federation,
2nd Floor, No. 48, Ritherdon Road, Vepery, Chennai 600 007.
2. The Deputy Registrar of Cooperative Societies [Housing],
Madras Regional Office,
Medavakkam Tank Road, Kellys, Chennai 600 010.
3. The president,
Madras Secretariat Cooperative Building Society Ltd. [X-370],
No. 144, 3rd Street, Secretariat Colony, Kellys, Chennai 600 010.

W.P No.24398 of 2023