



W.P. No. 33565 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.11.2023

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 33565 of 2023

and

W.M.P. No. 33378 of 2023

D. Umamaheswari

... Petitioner

-VS-

1. The Principal Secretary to Government,
Cooperation, Food & Consumer Protection Department,
Fort St. George, Chennai – 600 009.
2. The Registrar of Cooperative Societies,
No. 170, Periyar EVR High Road,
Kilpauk, Chennai – 600 010.
3. The Joint Registrar of Cooperative Societies,
4th Block, Collectorate Campus,
Sathuvachari, Vellore 632 002.

4. T.V.Suresh Gupta

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorari Mandamus, calling for the records relating to the order passed in RC. No. 33729/2022/SA2, (2) dated 10.11.2023 on the file of the Second Respondent and quash the same consequently directing the First Respondent to transfer the surcharge cases No. Na.Ka.No.687/2023 Sa.Pa. and Na.Ka.No. 688/2023/sa.pa dated 19.05.2023 from the 4th respondent to any other Deputy Registrar of



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cooperative societies and to follow the procedure as laid down in the Registrar Circular No. 3/2018 (Rc.No. 10243/2018/WPA1) dated 25.04.2018.

For Petitioner : Mr. K. Rajendran
For Respondents : Mr. U.Baranidaran
Additional Government Pleader
(for R1 to R3)

ORDER

Heard Mr. K. Rajendran, Learned Counsel for the Petitioner, Mr. U.Baranidaran, Learned Additional Government Pleader appearing for the First to Third Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. The Petitioner has on 20.11.2023 filed this Writ Petition challenging the proceedings in in RC. No. 33729/2022/SA2,(2) dated 10.11.2023 passed by the Second Respondent rejecting the application made by the Petitioner for transfer of the proceedings under Section 87 of the Tamil Nadu Co-operative Societies Act, 1983 (hereinafter referred to as 'the Act' for short) from the file of the Fourth Respondent to some other Deputy Registrar of Co-operative Societies stating that no such power has been conferred under the Act.



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3. Learned Additional Government Pleader appearing for the Respondents has produced copy of the Proceedings in Na. Ka. No. 687/2023 Sapa dated 03.11.2023 passed by the Deputy Registrar of Co-operative Societies, Vellore to show that final orders have been passed under Section 87 of the Act, which has been despatched to the petitioner on 28.11.2023 and Learned Counsel for the Petitioner acknowledges receipt of its copy in Court today.

4. In view of the subsequent events, the relief sought in the Writ Petition does not survive for consideration, but it would not preclude the Petitioner to impeach the Proceedings in Na. Ka. No. 687/2023 Sapa dated 03.11.2023 passed by the Deputy Registrar of Co-operative Societies, Vellore, before the proper forum in the manner recognized by law and that no view has been expressed by the Court on the merits of the controversy involved in that regard.

In the result, the Writ Petition is disposed with the aforesaid observations. Consequently, the connected Miscellaneous Petition is closed. No costs.

29.11.2023

Index: Yes/No

NCC: Yes/No

Note: Issue order copy by 15.02.2024.

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To

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Cooperation, Food & Consumer Protection Department,
Fort St. George, Chennai – 600 009.
2. The Registrar of Cooperative Societies,
No. 170, Periyar EVR High Road,
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P.D. AUDIKESAVALU, J.

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