



W.P.(MD)No.990 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 10.03.2023

CORAM

THE HONOURABLE MR.JUSTICE **C.V.KARTHIKEYAN**

W.P.(MD)No.990 of 2023

R.Bakthavathsalam

... Petitioner

vs.

- 1.The Registrar of Cooperative Societies,
No.170, Periyar E.V.R. Highways,
Kilpauk, Chennai- 600 010.
 - 2.The Joint Registrar of Cooperative Societies,
Nagercoil, Kanyakumari District.
 - 3.The Deputy Registrar of Cooperative Societies/
District Election Officer,
Thuckalay, Kanyakumari District-629 175.
 - 4.Y-70, Charappazhanji Athencode Primary Agriculture
Cooperative Society,
represented by its Secretary,
Methukummal Post, Kanyakumari District-629 172.
 - 5.Y-1022, Methukkummal Primary Agriculture
Cooperative Credit Society,
represented by its Secretary,
Suriyacode Post, Kanyakumari District-629 163.
 - 6.Y-73, Kurumathoor Primary Agricultural
Cooperative Credit Society,
represented by its Secretary,
Kanyakumari District-629 163.
- ... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the second respondent to prepare a map reflecting the territorial jurisdiction of the fourth respondent society of the places as mentioned in the bye-laws and consequently, to prepare the fresh voters list for the future elections as per the said map and bye-laws of the fourth respondent society by considering the petitioner's representation, dated 24.09.2022.

For Petitioner	:Mr.M.P.Senthil
For R1 to R3,	
R5 and R6	:Mr.Veera Kathiravan
	Additional Advocate General
	assisted by Mr.K.S.Selva Ganesan
	Additional Government Pleader
For R4	:Mr.V.H.S.Prathap

ORDER

This Writ Petition has been filed in the nature of Mandamus seeking a direction against the second respondent to prepare a map reflecting the territorial jurisdiction of the fourth respondent Society of the places as mentioned in the bye-laws and consequently, to prepare a fresh voters list for the future elections, as per the said map and bye-laws of the fourth respondent Society by considering the petitioner's representation, dated 24.09.2022.



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2.Heard Mr.M.P.Senthil, learned Counsel for the petitioner and Mr.Veera Kathiravan, learned Additional Advocate General assisted by Mr.K.S.Selva Ganesan, learned Additional Government Pleader for R1 to R3, R5 and R6 and Mr.V.H.S.Prathap, learned Counsel for the fourth respondent.

3.The territorial limit of any Cooperative Society is determined by the bye-laws. In the bye-laws, the territory should be mentioned and members are co-opted, as members of the Cooperative Society from within those areas, as stated in the bye-laws. There will always be a situation, when there will be a re-alignment of either district or even areas within the district. But that will not affect the places mentioned in the bye-laws, which alone govern the territorial jurisdiction of the Cooperative Society.

4.The learned Additional Advocate General placed for consideration an order passed by the First Bench of Principal Seat, dated 21.02.2023, in W.P.No.5171 of 2023 and W.M.P.Nos.5174 and 5175 of 2023, wherein, the learned Additional Advocate General had stated that



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voters list would be finalised and updated in accordance with the available records and time was sought for that particular exercise to be completed.

5.In view of the fact that the respondents are actually examining the conduct of the election in a proper manner, no further orders are required by this Court. I am confident that the election would be conducted in a proper manner, as per the list finalised by the respondent and I am confident that the members of the fourth respondent Society alone will be permitted to cast their vote during the election.

6.The Writ Petition stands dismissed. No costs.

Index :Yes / No
Internet :Yes
NCC : Yes/No

10.03.2023

cmr

To

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cmr

Order made in
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