



W.P(MD)No.12398 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 24.11.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.12398 of 2023

and

W.M.P.(MD) Nos.10520 and 14309 of 2023

P.Villayutham

... Petitioner

Vs.

- 1.The Joint Registrar of Cooperative Societies,
O/o. The Joint Registrar of Cooperative Societies,
Tirunelveli Region,
Tirunelveli.
- 2.The Deputy Registrar of Cooperative Societies,
O/o. The Deputy Registrar of Cooperative Societies,
Sankarankovil,
Tenkasi District.
- 3.The President,
O. 702, Panthapuli Primary Agricultural Cooperative
Credit Society,
P.Reddiyapatti,
Karivalamvanthanallur Via,
Sankarankovil Taluk,
Thenkasi District 627 753.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the



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records relating to the impugned notice issued by the 2nd respondent vide
Tha.Va.No.1/2023-24 dated 20.04.2023 and quash the same.

For Petitioner : Mr.D.Shanmugaraja Sethupathi

For R1 & R2 : Mr.V.Nirmal Kumar
Government Advocate

For R3 : Mr.M.Sridharan

ORDER

Heard both sides.

2.The petitioner is a member of the third respondent Cooperative Society. Admittedly, he is not a paid servant of the Society. He was also not a member of the Board governing the Society. In the circumstances, the question of proceeding against the petitioner under Section 87 of the Tamil Nadu Cooperative Societies Act, does not arise at all. The issue is no longer *res integra*. The petitioner has enclosed an order dated 06.11.2007 made in W.P.No.6974 of 2005 (***S.B.Nandagopalan and others Vs. The Deputy Registrar/Surcharge Officer, under the Tamil Nadu Co-operative Societies Act, Paramakudi and another***). It is true



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that the petitioner has come to the Court at the notice stage. It is well settled that where the notice itself has been issued without jurisdiction, the Writ Court can very well interfere.

3.On the ground mentioned above, the impugned notice dated 20.04.2023 issued by the second respondent, vide proceeding Tha.Va.No. 1/2023-24, is quashed. The Writ Petition is allowed, accordingly. The Society is very much at liberty to proceed against the petitioner under Section 90 of the Tamil Nadu Co-operative Societies Act, insofar as the writ petitioner is concerned. No costs. Consequently, connected Miscellaneous Petitions are closed.

24.11.2023

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

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To:-

1.The Joint Registrar of Cooperative Societies,
O/o. The Joint Registrar of Cooperative Societies,
Tirunelveli Region, Tirunelveli.

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2.The Deputy Registrar of Cooperative Societies,
O/o. The Deputy Registrar of Cooperative Societies,
Sankarankovil,
Tenkasi District.



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G.R.SWAMINATHAN, J.

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