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W.P.(MD)NO.12470 OF 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.11.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.12470 & 26056 of 2023 AND
W.M.P.(MD)Nos.10546, 10547 & 22412 of 2023

W.P.(MD)No.12470 of 2023

Suba.Marimuthu

... Petitioner

Vs.

1. The Registrar of Coop. Societies,
O/o.the Registrar of Coop. Societies,
170, NV Natarajan Maligai,
EVR High Road, Keelbakkam,
Chennai – 600 010.

2. The Joint Registrar,
O/o.the Joint Registrar of Cooperative Societies,
Pudukottai Region,
Pudukottai.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records from the second respondent pertaining to the impugned order of suspension made in Na.Ka.No.1932/2022 A2 passed by the second respondent dated 12.05.2023 and quash the same as illegal.

For Petitioners : Mr.C.G.Pethanaraj

For Respondents: Mr.V.Nirmal Kumar,
Government Advocate.

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W.P.(MD)No.26056 of 2023

1. Mrs.Thanalakshmi,
Mathagam Primary Agricultural
Co-operative Credit Society,
Mathagam, Kuranganallur PO,
Avudayarkoil Taluk,
Pudukottai District – 622 204.
2. K.Muttuvel,
Mathagam Primary Agricultural
Co-operative Credit Society,
Mathagam, Kuranganallur PO,
Avudayarkoil Taluk,
Pudukottai District – 622 204.
3. M.Periya Tampi,
Mathagam Primary Agricultural
Co-operative Credit Society,
Mathagam, Kuranganallur PO,
Avudayarkoil Taluk, Pudukottai District – 622 204.
4. Saraswati,
Mathagam Primary Agricultural
Co-operative Credit Society,
Mathagam, Kuranganallur PO,
Avudayarkoil Taluk,
Pudukottai District – 622 204. ... Petitioners

Vs.

1. The Joint Registrar of Co-operative Societies,
Annavasal Road, Thiruvappur,
Pudukottai.
2. The Deputy Registrar,
58, Kamachiamman Koil Street,
Aranthangi – 614 616. ... Respondents



Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the first respondent to cancel the suspension order dated 12.05.2023 issued against the President Thiru.S.Marimuthu of Mathagam Primary Agricultural Co-operative Credit Society.

For Petitioners : Mr.C.Karthikeyan

For Respondents: Mr.V.Nirmal Kumar,
Government Advocate.

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COMMON ORDER

W.P.(MD)No.26056 of 2023

Heard both sides.

2. The President of a registered Co-operative Society questions the impugned order of suspension. The suspension order was passed on 12.05.2023 by the Joint Registrar. Six months period have elapsed. Section 76A of the Tamil Nadu Co-operative Societies Act reads as follows:-

**“76-A. Suspension of President or
Vice-President of a registered society
under certain circumstances:—**

(1) Where it is brought to the notice
of the Registrar, on a complaint or otherwise,



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that the President or the Vice-President of a registered society has committed or has been otherwise responsible for misappropriation or breach of trust or gross mismanagement of the affairs of the registered society or committed any offence involving criminal misconduct or moral turpitude and if, in the opinion of the Registrar, there is a *prima facie* evidence against the President or the Vice-President and the suspension of the President or the Vice-President is necessary in the interest of such society or in the public interest, the Registrar may, by order, place the President or the Vice-President, under suspension for a period not exceeding six months, pending inquiry under section 81 or inspection or investigation under section 82 or investigation into the offence involving criminal misconduct or moral turpitude.

(2) Notwithstanding anything contained in sub-section (1), where an action



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under section 36 has been initiated against the President or the Vice-President, the period of suspension may be extended by the Registrar, from time to time, for the reasons to be recorded in writing, for a further period of six months or till final order is passed under section 36, whichever is earlier.”.

3. Since six months period have already elapsed, it is declared that the suspension order is no longer operative. I make it clear that I have not gone into the merits of the matter. This writ petition stands allowed on these terms. No costs. Consequently, connected miscellaneous petitions are closed.

4. W.P.(MD)No.26056 of 2023

Since W.P.(MD)No.12470 of 2023 has been allowed, no further order is required. This writ petition stands closed. No costs. Consequently, connected miscellaneous petition is closed.

17.11.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
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W.P.(MD)NO.12470 OF 2023

G.R.SWAMINATHAN,J.

PMU

To:

1. The Registrar of Coop Societies,
O/o.the Registrar of Coop. Societies,
170, NV Natarajan Maligai,
EVR High Road, Keelbakkam,
Chennai – 600 010.
2. The Joint Registrar,
O/o.the Joint Registrar of Cooperative Societies,
Pudukottai Region,
Pudukottai.

W.P.(MD)No.12470 & 26056 of 2023

17.11.2023