



WP(MD)No.15137 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 12.09.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP(MD)No.15137 of 2022
and
WMP(MD)No.10830 of 2022

S.P.Rajamani

.. Petitioner

v.

- 1.The Deputy Director of Khadhi and Village Industries,
O/o.Deputy Director of Khadi and Village Industries,
Bypass Road, Madurai District.
- 2.The Registrar of Co-operative Societies,
O/o.Registrar of Co-operative Societies,
No.170, NV Natarajan Maaligai,
Periyar EVR High Road,
Poonamallee High Road,
Kilpauk, Chennai – 600 010.
- 3.The Joint Registrar of Co-operative Societies,
O/o.Joint Registrar of Co-operative Societies,
Ground Floor, TPK Road,
Near Palanganatham Roundana,
Madurai – 625 003.
- 4.The District Manager,
TASMAC Ltd.,
Madurai South, Madurai District.



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5.A1633 Usilampatti Co-operative Cottage Industrial Society Ltd.,
Rep. by its President,
S.Selvam

6.K.Dheenadayalan

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Mandamus directing the respondents 1 to 4 to forbear the fifth respondent from allowing usage of the immovable property of the A1633 Usilampatti Co-operative Cottage Industrial Society Ltd in S.No.240/7, Usilampatti Village, Usilampatti Taluk, Madurai District, in favour of the sixth respondent to be used as TASMAL Wine Shop bearing No.5155 without obtaining previous sanction of the Registrar as per Rule 87 of the Tamil Nadu Co-operative Societies Rules, 1988.

For Petitioner : Mr.S.Rajasekar

For Respondents : Mr.G.V.Vairam Santhosh,
Additional Government Pleader
for R.1 to R.3

Mr.H.Arumugam for R.4

Mr.R.R.Kannan for R.5

Mr.B.Prahalat Ravi for R.6



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ORDER

The petitioner is a member of the fifth respondent Co-operative Society and he has filed this writ petition with a grievance that Society's immovable property is being used as a TASMACH Shop.

2.Learned Counsel for the petitioner submitted that the Society's property was not utilized for the welfare of the Society and it was leased out to the sixth respondent, who, in turn, has sublet the property of the Society for running a TASMACH Shop.

3.Learned Counsel for the sixth respondent sought time for filing certain additional documents.

4.Learned Counsel for the TASMACH submitted that there is a dispute between the petitioner and the sixth respondent and in order to wreck their personal vengeance, this writ petition came to be filed.



5.Learned Counsel for the fifth respondent / Society, by referring the counter affidavit filed by the fifth respondent, submitted that the Society is facing severe financial crunch and the Society is not in a position to meet the day-to-day expenses. Therefore, in order to protect the interest of the Society, a part of the Society's land was leased out to the sixth respondent for the purpose of conducting business. However, the sixth respondent has sublet the property to TASMAL. The property was leased out to the sixth respondent alone and not for the TASMAL purpose. He further submitted that the Co-operative Societies are established under the Gandhian principles, who has never advocated for the selling of liquor. Therefore, the fifth respondent has already sent a letter to the fourth respondent requesting them to shift the TASMAL shop to some other place.

6.Considering the rival submissions made by the respective parties and the nature of issue involved, this writ petition stands disposed of, with a liberty to the petitioner to file an application before the second respondent / Registrar of Co-operative Societies, within a period of four weeks from the date of receipt of a copy of this order for his grievance.



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The Registrar of Co-operative Societies, on receipt of the same, shall conduct an enquiry and shall take an independent decision, after providing due opportunity of hearing to the parties concerned.

There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

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

12.09.2023

To

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B.PUGALENDHI, J.

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