



W.P(MD)No.22534 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.01.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.22534 of 2022

and

W.M.P.(MD)No.16710 of 2022

P.Selvaraj

... Petitioner

Vs.

The Joint Registrar of Cooperative Societies,
O/o. The Joint Registrar of Cooperative Societies,
Tiruchirappalli Region, Kaajamalai,
Tiruchirappalli.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed in Na.Ka.6061/2022/SaPa, dated 05.09.2022 by the respondent and quash the same and consequently directing the respondent not to interfere with right of the petitioner to continue as elected President of the society.

For Petitioner : Mr.P.Mahendran

For Respondent : Mr.N.Ramesh Arumugam,
Government Advocate.



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ORDER

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Heard the learned counsel on either side.

2.The writ petitioner has been placed under suspension by the respondent vide order dated 05.09.2022. The order of suspension is questioned in this writ petition.

3.The learned counsel for the writ petitioner and the learned Government Advocate for the respondent reiterated the stand projected in the respective pleading.

4.I am of the view that the validity of the order of suspension need not be gone into. The fact remains that four months have already elapsed since the petitioner was suspended from his office as President of the Cooperative Society. The respondent has also concluded enquiry under Section 82 of the Tamilnadu Cooperative Societies Act. Based on the out come of the said enquiry, supersession proceedings were initiated under Section 88 of the Act. The said proceeding was stayed by this Court.



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5.Be that as it may, I am of the view that the suspension of the petitioner need not be continued indefinitely. Any order of suspension will have to serve some purpose. I can understand as to why the petitioner was initially suspended. That was to facilitate for holding of an enquiry. The enquiry has since been concluded. Therefore, there is no need to continue the petitioner's suspension. Even otherwise, the suspension period will last only for a period of six months. A substantial part of the suspension period had already been undergone.

6.In this view of the matter, the respondent is directed to revoke the petitioner's suspension forthwith and without any delay. The writ petition is disposed of with the aforesaid direction. No costs. Consequently, connected miscellaneous petition is closed.

10.01.2023

NCS :Yes/No
Index : Yes / No
Internet : Yes/ No
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To:-

The Joint Registrar of Cooperative Societies,
O/o. The Joint Registrar of Cooperative Societies,
Tiruchirappalli Region, Kaajamalai,
Tiruchirappalli.



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G.R.SWAMINATHAN, J.

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