



W.P(MD)No.21319 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.09.2023

CORAM :

**THE HONOURABLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE
and
THE HONOURABLE MR.JUSTICE C.KUMARAPPAN**

**W.P(MD)No.21319 of 2023
and
W.M.P(MD)No.17726 of 2023**

Madurai Solai Azhgupuram Weavers Cooperative,
Public Servants Housing Society,
3A, Murugesan Kalpattarai Upstairs,
DPK Road, Andalpuram, Madurai,
Rep. by its President MDA/HSG
R.K.Eswaran
S/o. Krishnan

... Petitioner

vs.

1. The Deputy Registrar,
Tamilnadu Co-Operative Housing Society,
Madurai Zone,
Madurai.

2. The Administrator,
Madurai Solai Azghupuram Weavers Cooperative,
Public Servants Housing Society,
3A Murugesan Keepattarai Upstairs,
DPK Road, Andalpuram,
Madurai.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorari, calling for the records pertaining to the impugned proceedings in Na.Ka.1666/2022 NV dated



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14.08.2023 issued by the 1st respondent and quash the same as illegal and unconstitutional.

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For Petitioner : Mr.J.Vishnu
For Respondents : Mr.P.Veerakathiravan
Additional Advocate General assisted by
Mr.P.Thilakkumar, Government Pleader

ORDER

[Order of the Court was made by The Hon'ble CHIEF JUSTICE]

The petitioner is challenging the order appointing Administrator, the Body/Board of the Co-operative Society, came into effect on 11.08.2018. The term as per the provisions of the Tamil Nadu Co-operative Societies Act, 1983, is five years. The said five years are over. The petitioner failed to take steps to conduct the election.

2. Learned counsel for the petitioner submits that no default has been committed by the members of the petitioner. There are no allegations against the members of the petitioner and they are not guilty of any misappropriation or defalcation of amount as such, Administrator should not have been appointed.



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3. Learned Additional Advocate General supports the order and submits that the term of the Managing Committee is over. He further submits that the elections would be held by October 2023.

4. Article 243ZJ(2) of the Constitution provides that the term of office of elected members of the Board and its office bearers shall be five years from the date of election. Even the provisions of the Tamil Nadu Co-operative Societies Act, 1983, prescribe the term to be five years.

5. The statement has been made by the learned Additional Advocate General that the elections would be held by October 2023.

6. In the light of that, the Writ Petition stands disposed of. No costs. Connected miscellaneous petition is closed.

[S.V.G., C.J.]

[C.K., J.]

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Index : Yes / No
Neutral Citation : Yes / No
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