



W.P(MD)No.24719 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.02.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.24719 of 2022

and

W.M.P(MD)Nos.18819, 18820 of 2022
& 3732 of 2023

G.Nanchil Domenic Savio

... Petitioner

Vs

- 1.The Registrar of Co-operative Societies,
170, EVR Road, Dr.Radhakrishnan Nagar,
Razak Garden,
SBI Officers Colony,
Arumbakkam,
Chennai – 600 106.
- 2.The Joint Regsitrar of Co-operative Societies,
Collectorate,
Ramavarmapuram,
Nagercoil – 629 001,
Kanyakumari District.
- 3.The Deputy Registrar of Co-operative Societies,
Palace Road,
Thuckalay,
Nagercoil,
Kanyakumari District – 629 175.



W.P(MD)No.24719 of 2022

4.The Managing Director /
Co-operative Sub Registrar,
Y285 Kalkulam Vilavancode Taluks
Agricultural Producers Co-operative Marketing Society Ltd,
Marthandam,
Kanyakumari District – 629 165.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the order passed by the second respondent in Na.Ka.No. 6391/2022/Sa.Pa dated 06.10.2022 and quash the same as illegal and further direct the respondents to reinstate the petitioner as the president in Y-285, Kalkulam Vilavancode Taluks Agricultural Producers Cooperative Marketing Society Ltd., Marthandam, Kanyakumari District (KVTCMS) within a time stipulated.

For Petitioner : Mr.T.Mohan
Senior Counsel
for K.P.Krishnadoss

For Respondents : Mr.R.Baskaran
Additional Advocate General
Assisted by
Mr.S.R.A.Ramachandran
Additional Government Pleader

ORDER

Heard the learned Senior Counsel appearing for the writ petitioner and the learned Additional Advocate General assisted by the learned Additional Government Pleader appearing for the respondents.



W.P(MD)No.24719 of 2022

2.The writ petitioner is the president of a Co-operative Society. By the impugned order dated 06.10.2022 he was suspended. The second respondent passed the said order under Section 76(A) of the of the Tamil Nadu Co-operative Societies Act, 1983. Vide order dated 24.02.2023 made in W.P(MD)No.23902 of 2022 (*Alphones Vs The Regional Joint Registrar of Co-operative Society & Others*), I had held that the second respondent will not be competent to suspend an elected President. For reasons of jurisdiction as well as the other reasons set out in the said order, the impugned order is set aside and the writ petition is allowed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

28.02.2023

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

To

1.The Registrar of Co-operative Societies,
170, EVR Road, Dr.Radhakrishnan Nagar,
Razak Garden,
SBI Officers Colony,
Arumbakkam,
Chennai – 600 106.



W.P(MD)No.24719 of 2022

2.The Joint Regsitrar of Co-operative Societies,
Collectorate,
Ramavarmapuram,
Nagercoil – 629 001,
Kanyakumari District.

3.The Deputy Registrar of Co-operative Societies,
Palace Road,
Thuckalay,
Nagercoil,
Kanyakumari District – 629 175.

4.The Managing Director /
Co-operative Sub Registrar,
Y285 Kalkulam Vilavancode Taluks
Agricultural Producers Co-operative Marketing Society Ltd,
Marthandam,
Kanyakumari District – 629 165.



WEB COPY



W.P(MD)No.24719 of 2022

G.R.SWAMINATHAN, J.

MGA

W.P(MD)No.24719 of 2022
and
W.M.P(MD)Nos.18819, 18820 of 2022
& 3732 of 2023

28.02.2023