



W.A.No.1557 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.07.2024

CORAM

**THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
and
THE HONOURABLE MR. JUSTICE C.KUMARAPPAN**

W.A.No.1557 of 2021

C.Subramanian

... Appellant

Vs.

1. The District Collector,
Cuddalore, Cuddalore District.

2. The Deputy Registrar (Diary),
No.37, Theradi Street,
Thirupathiripuliyur,
Cuddalore 2.

3. The General Manager,
Villupuram And Cuddalore District
Milk Producers Co Operative Society,
Villupuram And District.

4. The General Manager,
Cuddalore District Cooperative
Milk Producers Union Ltd.,
(CDCMPU) Sethiathope,
Cuddalore District-608 704.

(R4 cause title is amended, vide order of Court dated 26/06/2024 made in
CMP.No.8515 of 2023 in W.A.No.1557 of 2021 (SMSJ and CKJ))

5. The Secretary,



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TND -208, Vadapathy Milk Weavers Co Operative Society,
Vadapathy And Post,
Villupuram District.

6. C.Sekar

7. P.Kadamban

... Respondents

Prayer :- Writ Appeal filed under Clause 15 of Letters Patent, praying to set aside the order dated 01.10.2018 made in WP no.21568 of 2018 and praying to allow the WP no.21568 of 2018.

For Appellant : Mr.Umar Mahamed for
M/s.A.Arulmozhi

For Respondents : Mr.T.Chandra Sekaran,
Special Government Pleader
(for R1 & R2);

: Mr.G.Krishna Raja,
Additional Government Pleader
(for R3 & R4);

: Ms.L.Jothi for
Mr.R.S.Anandan (for R6 & R7)

J U D G E M E N T

(Judgement of the Court was delivered by S.M.Subramaniam J.)

The intra court appeal has been instituted challenging the order dated 01.10.2018 in W.P.No.21568 of 2018.



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2. The writ petitioner is the appellant before us. The grievances of the appellant is that the 5th respondent, Milk Weavers Co-operative Society, is situated in other village and therefore, the appellants are unable to supply milk to the 5th respondent Society as they have to travel long distance. Therefore, an application was submitted to divide the 5th respondent Society into two Societies under the provisions of the Tamil Nadu Cooperative Societies Act.

3. Regarding the division and amalgamation of Societies, procedures are contemplated under Section 13(1)(a) of the Tamil Nadu Cooperative Societies Act, 1983, which stipulates that *“Any registered society may, at a meeting of its general body specially called for the purpose of which at least fifteen clear days notice shall be given to its members, resolve to divide itself into two or more societies. The said resolution (hereafter in this sub-section referred to as the preliminary resolution) shall contain proposals for the divisions of the assets and liabilities of the society among the new societies into which it is proposed to divide it and may prescribe the area of operation of, and specify the members who will constitute, each of the new societies. The proposed by-laws of the new societies shall be annexed to the preliminary resolution.”*



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4. From Section 13(1)(b) onwards, the procedures are contemplated.

Therefore, division and amalgamation of Cooperative Societies are to be made with the approval of the Registrar of the Cooperative Societies, only if the procedures, as contemplated under Section 13 of the Act, are followed.

5. Mr.T.Chandra Sekaran, learned Special Government Pleader, would submit that the appellant has not established that a resolution was passed and such resolution has been submitted for approval before the Registrar. In the absence of complying with the procedures contemplated, the request cannot be considered.

6. The learned counsel for the appellant would submit that the appellant is not a member of the 5th respondent Society and therefore, he cannot follow the procedure as contemplated under Section 13 of the Act.

7. This being the factum, the writ petition itself is not entertainable since a non-member of the Cooperative Society cannot claim that the Society is to be divided under Section 13 of the Act. Thus, the petitioner has not established any cause warranting an adjudication from the hands



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of this Court. Thus, we do not find any infirmity in respect of the decision arrived at by the Writ Court.

8. Accordingly the order of the Writ Court stands confirmed.

Consequently, the writ appeal is dismissed. No costs.

(S.M.S.J.,) (C.K.J.,)
24.07.2024

Index : Yes/No
Internet: Yes/No
Speaking order/Non-Speaking order
Neutral Citation : Yes/No
(sha)



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S.M.SUBRAMANIAM, J.

and

C.KUMARAPPAN, J.

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