



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.11.2024

CORAM

THE HON'BLE Mr. JUSTICE **C.V.KARTHIKEYAN**

W.P.No.21293 of 2019

and

W.M.P.Nos.20509, 20510 & 20512 of 2019

1.R.Vijiyalakshmi
2.G.Radhakrishnan
3.C.Radhakrishnan
4.Thamizhselvi
5.Kalavathi
6.Durairajan
7.V.Appadurai
8.S.Damodaran

.. Petitioners

Vs.

- 1.The Deputy Registrar of Cooperative Societies,
Sekar Nagar, Semmandalam,
Cuddalore – 607 001.
- 2.Joint Registrar of Cooperative Societies,
Beach Road,
Cuddalore – 607 001.
- 3.The Registrar of Cooperative Societies,
170, Periyar EVR High Road,
Kilpauk,
Chennai – 600 010.
- 4.T.Saravanan,
Circle Supervisor / Election Officer,



E.2702 Kayalpattu Primary Agricultural Cooperative Credit Society,
Working at District Central Cooperative Bank,
No.1, Silver Beach Road,
Manjakuppam,
Cuddalore – 607 001.

5.The Secretary,
E.2702 Kayalpattu Primary Agricultural Cooperative Credit Society,
Kayalpattu,
Cuddalore Taluk,
Cuddalore District.

6.S.Saravanan

7.D.Venkatachalapathi

8.S.Sakthivel

9.J.Anbazzhagan

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records in Na.Ka.No.2650 of 2018 sa.pa dated 28.06.2019 passed by the 1st respondent and quash the same.

For Petitioners

.. Mr.R.Gururaj

For R1 to R3

.. Mr.S.Ravikumar,
Special Government Pleader

For R5

.. Mr.L.P.Shanmugasundaram

For R6 to R9

.. No appearance



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ORDER

This writ petition has been filed in a nature of Certiorari to call for the record of the 1st respondent, the Deputy Registrar of Cooperative Societies at Semmandalam in Cuddalore in Na.Ka.No.2650/2018 sa.pa dated 28.06.2019 and to quash the same.

2.In the affidavit filed in support of the writ petition, it had been stated that the 1st petitioner, R.Vijiyalakshmi, was elected to the post of President of the Kayalpattu Primary Agricultural Cooperative Credit Society at Kayalpattu in Cuddalore District by an election held on 11.08.2018. A declaration was made that the 6th petitioner, Durairajan was chosen as Vice-President. It had been stated that these particulars had been entered in the minutes of the Society namely, the 5th respondent. The other petitioners were also elected to the Board of Directors. Similarly, the 7th, 8th and 9th respondents were also elected to the Board of Directors. It is stated that the 6th respondent had also submitted an application to the Board of Directors, but his nomination was rejected by the 4th respondent, Circle Supervisor / Election Officer. It had been stated that, in the application of the 6th



respondent, he had not even given the correct name of the society and his signature differed from his normal signature. The 6th respondent had filed W.P.No.20353 of 2018 and the said writ petition had been dismissed by an order dated 13.08.2018. The grievance of the writ petitioners is that, while rejecting the application of the 6th respondent, the election as president of the 1st petitioner was also interfered with and the declaration of the 6th petitioner as vice-president was also interfered with and the elections of the other writ petitioners and the 7th, 8th and 9th respondents as members of the board of directors was also rejected and set aside.

3.It is contended that the said order had been passed without notice to the petitioners or the 7th, 8th and 9th respondents by the 1st respondent. But however, it is contended on behalf of the 1st respondent that the period of office of the petitioners and the 7th, 8th and 9th respondents was only for a period of five years and the said period had also expired and now the Kayalpattu Primary Agricultural Co-operative Credit Society at Kayalpattu in Cuddalore District is being administered by an administrator.



4.The learned counsel for the petitioner raised a grievance that in spite of oral mentioning before the Courts at various points of time, the writ petition had not been listed. But there is no such records available. A perusal of the record shows, when the matter came up in the first instance on 18.07.2019, the learned Special Government Pleader had taken notice on behalf of the 1st, 2nd and 3rd respondents and private notice was directed to the other respondents. Further perusal of the records show that there is no record to show that private notice had been taken by the petitioners to the other respondents. No Affidavit of Service had been filed by the petitioners herein. There is also no record to show that the Court notice had been taken to the private respondents 7, 8 and 9. The next hearing date of the writ petition was on 25.02.2021, wherein at request, the matter was directed to be posted after two weeks. This is the third hearing before this Court. There is no indication that the counsel for the petitioners had addressed a letter before the Registry seeking posting of the writ petition.

5.When the counsel is not interested in the writ petition being listed and had also not taken notice and there are no records to show that he had taken notice to the private respondents, he cannot state that merely because



the term had been ended, the writ petition should be disposed of. The term of the petitioner had ended by efflux of time. The petition had not taken any steps for the writ petition to be heard. The clock cannot be set back at this stage.

6. With the above observations, this writ petition stands dismissed. No costs. Consequently, connected Writ Miscellaneous Petitions are closed.

08.11.2024

Index: Yes/No
Internet: Yes/No
smv

To

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C.V.KARTHIKEYAN,J.

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