



W.P.No.28148 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.12.2024

CORAM :

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

Writ Petition No.28148 of 2018

Arumugam

.... Petitioner

-Vs-

- 1.The Commissioner
Tamil Nadu Co-operative Societies
Election Commission, Chennai.
- 2.The Secretary
Fisheries Department
Chennai.
- 3.The Deputy Registrar
Co-operative Societies
Omalur, Salem.
- 4.The Joint Registrar
Co-operative Societies
Salem
- 5.The Director
Fisheries Department
Chennai.
- 6.The Deputy Director
Fisheries Department
Dharmapuru Zonal
Dharmapuri District.



W.P.No.28148 of 2018

7.The Assistant Director
Fisheries Department
Mettur Dam, Salem.

8.The President
KK98, Mettur Dam Co-operative Societies
Co-operative Societies
Mettur Dam, Salem.

9.Mr.Kunjipaiyan

.. Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents disqualifying the 9th respondent in the light of Section 34(1)(a) of the Tamil Nadu Co-operative Societies Act, by disposing the representation given by the petitioner on 12.10.2018.

For Petitioner : No Appearance

For Respondents : Mr.P.K.Shiva Kumar
Standing Counsel for R1

Mr.M.Muthuamy
Government Advocate
for R2 to R7

Mr.A.Raja Perumal
for Mr.L.P.Shanmugasundaram
for R8



WEB COPY



W.P.No.28148 of 2018

ORDER

The learned counsel for the petitioner is not present. However, the writ petition is disposed of. The Writ Petition has been filed in the nature of a Mandamus seeking a direction against the respondents to disqualify the 9th respondent, Kunjipaiyan, S/o.Perumal, in the light of Section 34(1)(a) of the Tamil Nadu Co-operative Societies Act, 1983. The petitioner had given a representation on 12.18.2018.

2.Section 34(1)(a) of the Act, relates to disqualification for membership of a Board and states that no person shall be eligible to be nominated as a member of the Board if he is a near relation or a paid employee of the said Society. The said provision is as follows:

*34(1)No person shall be eligible for being elected or nominated
as a member of a board of any registered society if he*

*(a) is such near relation, as may be prescribed, of a paid
employee of such registered society; or*

3.In the affidavit filed in support of the writ petition, the petitioner had



W.P.No.28148 of 2018

claimed that the son of the 9th respondent is a paid employee of the Society. On the side of the respondents however, a copy of the resolution had been forwarded wherein the 9th respondent had given his resignation on 06.12.2018 and he has also resigned and the same has been recorded in the minutes of the Society. The counter had also been filed by the 7th respondent. It had been stated that the 9th respondent had resigned from the Society on 06.12.2018.

4.In view of the said fact no further issue arises for consideration in the writ petition. Writ Petition stands disposed of . No costs.

02.12.2024

Index : Yes/No
NCS : Yes/No
KP



WEB COPY



W.P.No.28148 of 2016

To

- 1.The Commissioner
Tamil Nadu Co-operative Societies
Election Commission, Chennai.
- 2.The Secretary
Fisheries Department
Chennai.
- 3.The Deputy Registrar
Co-operative Societies
Omalur, Salem.
- 4.The Joint Registrar
Co-operative Societies
Salem
- 5.The Director
Fisheries Department
Chennai.
- 6.The Deputy Director
Fisheries Department
Dharmapuru Zonal
Dharmapuri District.
- 7.The Assistant Director
Fisheries Department
Mettur Dam, Salem.
- 8.The President
KK98, Mettur Dam Co-operative Societies



Co-operative Societies
Mettur Dam, Salem.

WEB COPY



W.P.No.28148 of 2018

C.V.KARTHIKEYAN.,J
KP

Writ Petition No.28148 of 2018

02.12.2024