



W.P(MD)No.13103 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 19.06.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.13103 of 2024

T.Joseph

... Petitioner

Vs.

1.The Registrar of Co-operative Societies,
No.170, Periyar EVR High Road,
Kilpauk, Chennai – 600 010.

2.The Deputy Registrar of Co-operative Societies,
Thuckalay Region,
Thuckalay Post,
Kanyakumari District.

3.The Secretary,
Kalkulam Vilavancode Taluks
Agricultural Producers Co-operative
Marketing Society,
Kallukulam,
Vilavankodu.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records relating to the impugned notification issued by the third respondent dated 11.06.2024 and quash the same as illegal.



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For Petitioner : Mr.M.Mahaboob Athiff
For Respondents : Mr.K.S.Selva Ganesan
Additional Government Pleader

ORDER

Heard both sides.

2.The petitioner was enrolled as a member of the third respondent Society in the year 2019. The respondents take the stand that the petitioner's enrolment was vitiated. Be that as it may, Section 25 of the Tamil Nadu Co-operative Societies Act, 1983 read with Rule 37 of the Tamil Nadu Co-operative Societies Rules, 1988 provides the methodology for removing a member of the Co-operative Society. The said provisions read as follows:

*“25. **Expulsion.** __ (1) Any member of a registered society who has acted adversely to the interests of the society may be expelled upon a resolution of the general body passed at a special meeting convened for the purpose by the votes of not less than two-thirds of the total number of the members present and voting at the meeting. The quorum for such special meeting shall be -
(i) in the case of societies having membership not exceeding one thousand, not less than one-fourth of the*



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total membership, or one hundred members, whichever is less;

(ii) in other cases two hundred members:

Provided that no such special meeting shall be called by the board except upon the requisition in writing by not less than one-fourth of the total number of members of the society or twenty-five members, whichever is less.

(2) No member shall be expelled under sub-section (1) without being given an opportunity in the manner prescribed of making his representations and until the resolution referred to in that sub-section is approved by the Registrar. A copy of the resolution expelling the member as approved by the Registrar shall be communicated to the member.

37. Manner of giving opportunity to a member before expulsion under section 25. _

(1) On receipt of the requisition in writing under sub – section (1) of section 25, the society shall, within a period of fifteen days from the date of receipt of the requisition in the office of the society, communicate a copy of such requisition to the member concerned calling upon him to make his representation, if any, within a period of fifteen days from the date of receipt by him of such communication.

(2) The member concerned shall also be given an opportunity of being heard at the special meeting



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convened for the purpose under sub-section (1) of section 25.”

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Obviously, the third respondent who is only an employee of the Society will not have any jurisdiction to initiate the process of removing a member. The impugned proceedings are patently without jurisdiction.

3.In this view of the matter, I need not go into the other contentions raised by the learned counsel appearing for the petitioner. The impugned communication is set aside. The outcome of this writ petition will not come in the way of action being taken as per law against the petitioner.

4.This writ petition is allowed accordingly. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

19.06.2024

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

To

1.The Registrar of Co-operative Societies,
No.170, Periyar EVR High Road,
Kilpauk, Chennai – 600 010.



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G.R.SWAMINATHAN,J.

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