



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.12.2025

WEB COPY

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

WP.No.47098 of 2025

S.Jayachandran

.. Petitioner

Versus

1. The Secretary to Government
Animal Husbandry Dairying & Fisherines Department
Secretariat, Chennai – 600 009

2. The Director
Fisheries & Fisher Welfare Department
DMS Complex, Chennai – 600 018

3.The Assistant Director
Inspector of Fisheries Office
Room No.41, Somu Complex
CSE School, Coimbatore – 641 001

4. Special Officer/President
Kovai Vatta Meenava Co-op Society
Manimegalai Street
Coimbatore – 1

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to remove the 199 illegally admitted members in the fourth respondent society, who were admitted in violation of the Tamil Nadu Co-operative Societies Act, 1983 and the bye-laws of the society and consequently direct the respondents to restore the membershiop register strictly in accordance with law.

For Petitioner : Mr.R.Sethuupandian
For Respondents : Mr.S.Rajesh for R1 to R4
Government Advocate



WP.No.47098

ORDER

WEB COPY By consent of both parties, this writ petition is taken up for final in the admission stage itself.

2. This petition has been filed for a direction, directing the respondents to remove the 199 illegally admitted members in the fourth respondent society, who were admitted in violation of the Tamil Nadu Co-operative Societies Act, 1983 and the bye-laws of the society and consequently direct the respondents to restore the membership register strictly in accordance with law.

3. According the petitioner, 199 members are illegally inducted in the fourth respondent society. According the petitioner, the bye-law permits only Seeviyar community who are experienced in fishing in ponds to be the members, whereas, 151 persons were admitted as members on 01.07.1996 and 48 persons were admitted on 19.02.1999, totally 199 persons as members contrary to the bye-law. Therefore, the petitioner has given representation and previously he has also filed a writ petition in WP.No.5512 of 2012 before this Court. By order dated 30.09.2015, this Court issue direction to the respondents to take action, however, no action was taken by the respondents. Hence, this petition.



WEB COPY

4. The learned Government Advocate would submit that the bye-law does not state that only a particular community be permitted as members, the bye-law provides all the fishermen are eligible to become a member. Admittedly, the eligible members were made as members, viz., 151 persons were admitted as members on 01.07.1996 and 48 persons were admitted on 19.02.1999 which has been later approved by the resolution and approved by the District Registrar.

5. Heard both sides and perused the materials placed on record. Since no adverse order is passed against the fourth respondent, notice to the fourth respondent is dispensed with.

6. The bye-law does not indicate that members from only a particular community are eligible and be permitted to the society, whereas, the bye-law indicate that the fishermen above the age of 18 years are eligible to become a member of the fourth respondent society. Such view of the matter, as a matter of right, when 151 persons were admitted as members on 01.07.1996 and 48 persons were admitted on 19.02.1999, approved by the resolution and later approved by the District Registrar, at this stage, a mandamus to remove them cannot lie. If at all the petitioner has grievance that they are not eligible members, it is for him to file appropriate suit to establish the right.

7. Accordingly, I do not find any merits in this petition and this petition



WP.No.47098

stands dismissed. No costs.

04.12.2025

WEB COPY

dhk

Index :Yes/No

Internet :Yes/No

Neutral Citation : Yes/No

To

1. The Secretary to Government
Animal Husbandry Dairying & Fisherines Department
Secretariat, Chennai – 600 009

2. The Director
Fisheries & Fisher Welfare Department
DMS Complex, Chennai – 600 018

3.The Assistant Director
Inspector of Fisheries Office
Room No.41, Somu Complex
CSE School, Coimbatore – 641 001



WEB COPY



WP.No.47098 of 2025

N. SATHISH KUMAR, J.

dhk

W.P.No.47098 of 2025

04.12.2025