



W.A(MD)No.596 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.03.2025

CORAM:

**THE HONOURABLE MRS.JUSTICE J.NISHA BANU
and
THE HONOURABLE MRS.JUSTICE S.SRIMATHY**

**W.A(MD)No.596 of 2025
and
C.M.P(MD)No.4440 of 2025**

- 1.The Joint Director of Handlooms,
O/o.The Director of Handlooms and Textiles,
Chennai – 18.
- 2.The Assistant Director of Handloom,
O/o.The Handloom Assistant Director,
HB 7 Sidco Factory, Thiruppuvanam,
Thanjavur District.
- 3.The Registrar of Co-operative Societies,
Handlooms, Weavers Co-operative Production,
Thanjavur,
Thanjavur District.
- 4.The Assistant Director / Executive Officer,
Thirubuvanam Silk Handloom Weavers
Co-operative Production and Sale Society
Limited No.Z 222,
Thirubuvanam – 612 103. ... Appellants/Respondents

VS.



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WEB COPY S.Ramakrishnan

... Respondent/Writ Petitioner

PRAYER : Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 21.06.2024 made in W.P(MD)No.13213 of 2024 on the file of this Court.

For Appellants : Mr.Veera Kathiravan
Additional Advocate General
Assisted by
M/s.D.Farjana Ghousia
Special Government Pleader

For Respondent : Mr.K.Dinesh

JUDGMENT

(Judgment of the Court was delivered by J.NISHA BANU, J.)

The present Writ Appeal is directed against the order passed by the Writ Court dated 21.06.2024 made in W.P(MD)No.13213 of 2024.

2.Challenging the impugned communication issued by the fourth appellant, wherein, the respondent/writ petitioner has been expelled from the fourth appellant/Thirubuvanam Silk Handloom Weavers Co-operative Production



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WEB COPY and Sale Society Limited, the respondent/writ petitioner has filed the Writ Petition.

3.The writ Court, by order dated 21.06.2024, allowed the Writ Petition and set aside the impugned order on the grounds that the impugned order has been passed without putting the writ petitioner on notice and thus, there has been a clear violation of principles of natural justice and it is contrary to Section 21 of the Act, whereby the Registrar alone will have the authority to remove the writ petitioner from the membership. Challenging the same, the respondents as appellants have preferred the Writ Appeal.

4.Mr.Veera Kathiravan, learned Additional Advocate General appearing for the appellants would submit that the writ petitioner was not expelled on the ground that he did not possess the qualification for membership of the Society, but on the ground that he had acted adversely to the interest of the Society viz., behaved in the General body meeting held on 08.01.2024 in an unlawful manner by throwing chappals against the Administrator and the Accounts Manager of the Society, used unparliamentary words and prevented



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them in convening the General Body Meeting. The writ Court ought not to have entertained the Writ Petition, when the writ petitioner has not exhausted the statutory appeal remedy available to him before the Registrar/Government. He would further submit that the writ court comes to a conclusion that the writ petitioner was expelled from the membership of the fourth respondent Society, without giving him due opportunity, the writ Court left the fourth respondent Society to take a decision afresh in accordance with law and setting aside the communication of expulsion in its entirety is liable to be interfered with by this Court and prayed for allowing the Writ Appeal.

5.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

6.Perusal of the records would show that the Writ Petition was filed on 18.06.2024 and the writ Court passed the order on 21.06.2024 without issuing notice to the respondents and without hearing the respondents, an order has been passed in the admission stage and the impugned order, dated 21.06.2024 made in W.P(MD)No.13213 of 2024 is liable to be set aside.



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7.In view of the above, the order passed by the learned Single Judge is set aside, since no notice has been issued to the respondents. The matter is remitted back to the learned Single Judge to pass orders afresh by giving opportunity to the respondents and the respondents shall be given notice. Status quo as on today, will prevail till the disposal of the Writ Petition.

8.With the above observation, this Writ Appeal is allowed. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

[J.N.B.,J.] & [S.S.Y.,J.]
19.03.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes
ps



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To

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J.NISHA BANU, J.
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ORDER MADE IN
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DATED : 19.03.2025