



W.A(MD)No.736 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 27.03.2025

CORAM:

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

W.A(MD)No.736 of 2025
and
C.M.P(MD)No.5070 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 322,
Thirubuvanam.
- ... Appellants/Respondents

vs.

M.R.Nagendran

... Respondent/Writ Petitioner



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PRAYER : Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 17.10.2024 made in W.P(MD)No.24393 of 2024 on the file of this Court.

For Appellants : Mrs.D.Farjana Ghoushia
Special Government Pleader
For Respondent : Mr.B.Ramanathan

JUDGMENT

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

Aggrieved against the order passed by this Court in W.P(MD)No.24393 of 2024, dated 17.10.2024, the respondents therein have preferred the present writ appeal.

2. The writ petitioner filed W.P.(MD) No.24393 of 2024 seeking to quash the impugned notice letter dated 13.02.2024 passed by the fourth respondent therein and for a consequential direction to the respondents to allow the petitioner to continue as member of the fourth respondent Society.



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3.The Writ Court, by citing that the issue involved in the writ petition has already been decided by this Court in W.P.(MD) No.13213 of 2024 dated 21.06.2024, and allowed the writ petition. Aggrieved against the same, the present writ appeal has been filed.

4. Mrs.D.Farjana Ghoushia, learned Special Government Pleader appearing for the appellants submitted that the Writ Court has passed the impugned order at the stage of admission itself, without affording an opportunity to the appellants to putforth their case. She further stated that in W.P.(MD) No.13213 of 2024, dated 21.06.2024 which was relied by the writ petitioner, the said petition came to be allowed by following the order passed in W.P.(MD) No.3375 of 2019, dated 02.01.2023, in which case, the petitioner therein was expelled from FTN-36 Siluvaipatti Fishermen Cooperative Society on the ground that he is not a fisherman. When such an expulsion was challenged in that case, the Writ Court vide its order dated 02.01.2023 held that the provisions of Section 21 of the Tamil Nadu Cooperative Societies Act, 1983 which deals with the "Qualifications for membership of society", would be applicable to that petitioner and allowed that writ petition.

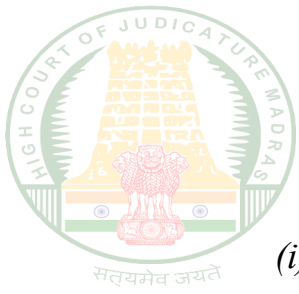


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5. Whereas in the present case on hand, the writ petitioner was not expelled on the ground that he did not possess the qualification for membership of the society but on the ground that he had acted adversely to the interest of the Society by behaving in a unlawful manner in the General Body Meeting which was held on 08.01.2024 by throwing chappals against the Administrator and the Accounts Manager of the Society. The writ petitioner has also used unparliamentary words against other members of the Society and also tore the shirt of another member, which act is purely detrimental to the interest of the Society. The acts of the writ petitioner attracts Section 25 of the Tamil Nadu Cooperative Societies Act, 1983 which states about "Expulsion". Section 25 of the Act is extracted hereunder:

"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-third of the total number of the members present and voting at the Meeting! The quorum for such special meeting shall be-



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(i)in the case of societies having membership not exceeding one thousand, not less than one fourth of the 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.

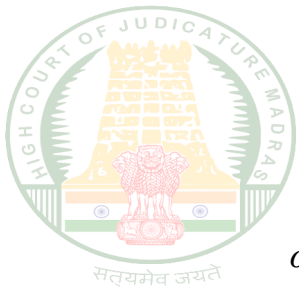
Hence, the learned Special Government Pleader prayed for allowing the writ appeal.

6. Heard the learned Special Government Pleader appearing for the appellants and the learned counsel for the respondent and perused the materials placed before this Court.

7. Section 25 of the Tamil Nadu Cooperative Societies Act, 1983 under "Expulsion", wherein under Section 25(2) it has been held as follows:-

"25. Expulsion: (1).....

(2) No member shall be expelled under sub-section (1) without being given an opportunity in the manner prescribed



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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."

8. In view of the above, this Court is of the considered opinion that if the writ petitioner was aggrieved by the order passed by the fourth appellant, dated 13.02.2024 pertaining to the expulsion of the writ petitioner from the Society, then the writ petitioner must have approached the third appellant herein / Registrar of Co-operative Societies, Handlooms, Weavers Co-operative Production, Thanjavur, Thanjavur District for redressal of his grievance. Without exhausting the statutory appeal remedy available to him before the third appellant/ Registrar, the writ petitioner has approached the Writ Court.

9. Considering the submissions made by the learned Special Government Pleader, this Court is of the considered opinion that the order passed by the writ court deserves the interference of this Court. Accordingly, the writ petitioner is directed to submit appropriate representation before the third appellant, challenging his expulsion and



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the third appellant is directed to pass orders in the manner known to law, after affording an opportunity of personal hearing to the writ petitioner, within a period of eight weeks from the date of receipt of a copy of this order. Accordingly, the Writ Appeal stands disposed of. No costs. Consequently, connected miscellaneous petition stands closed.

[J.N.B.,J.] & [S.S.Y.,J.]
27.03.2025

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