

W.A.(MD)No.611 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.04.2025

CORAM:

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

**W.A(MD)No.611 of 2025
and
CMP(MD)Nos.4530, 4531 and 4532 of 2025**

Nanchil Dominic Alias G.Dominic Savio

... Appellant

vs.

1. Y.Mariya Sisukumar

2. The Joint Registrar of Co-operative Societies,
Kanyakumari Region,
District Collectorate,
Nagercoil, Kanyakumari District.

3. The Deputy Registrar of Co-operative Societies,
Nagercoil Circle, Thuckalay,
Kanyakumari District.

4. The Administrator cum Sub Registrar of Co-operative Societies,
Y-285, Kalkulam Vilavancode Taluk,
Agricultural Producers Co-Operative Marketing Society,
Marthandam,
Kanyakumari District.

... Respondents



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Prayer: Writ Appeal filed under Clause 15 of the Letter Patent against the order of this Court in W.P(MD)No.2312 of 2025, dated 28.01.2025.

For Appellant : Mr.M.Mahaboob Athiff
For R1 : Mr.T.Lajapathi Roy, Senior Counsel for
Mr.P.Muthuvel
For R2 to R4 : Mrs.D.Farjana Ghoushia
Special Government Pleader

JUDGMENT

(Judgment of the Court was delivered by **S.SRIMATHY, J.**)

This writ appeal is directed against the order made in W.P(MD)No.2312 of 2025, dated 28.01.2025.

2. The writ petition was filed to issue a Writ of Mandamus, directing the 4th respondent Administrator to convene forthwith the Extraordinary General Body meeting of the society at Karungal, Vilavancode Taluk, Kanyakumari District, in light of the orders passed by this Court in WP(MD)No.24704 of 2023 dated 13.10.2023.



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3. The Writ Court has directed the 4th respondent to convene the General Body meeting on 20.02.2025 at Karungal, Vilavancode Taluk, Kanyakumari District.

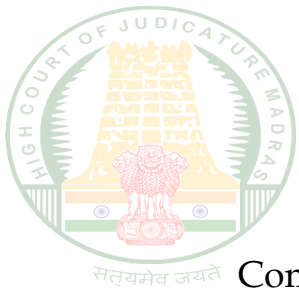
4. The appellant who is a third party, aggrieved by the said order, has filed this appeal.

5. The contention of the learned Senior Counsel appearing for the 1st respondent / writ petitioner is that if original members to the tune of 3019 are allowed to participate in the election, the 1st respondent has no objection for conduct of the election. However, the 4th respondent has included 3000 more members, which is creating problem in the society.

6. Considering the submissions made on either side, we are passing the following orders:

(i) The former Judge of the High Court namely,

Hon'ble Mrs.Justice R.HEMALATHA is appointed as a Judge



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Commissioner to conduct the election of the 4th respondent society. The Judge Commissioner shall conduct the election in the premises of the society.

(ii) The Judge Commissioner shall conduct the election only based on the existing 3019 members of the society and shall not allow the rest of the persons, who were added subsequently.

(iii) The notification dated 07.03.2025 enclosed at page 99 of the typedset of papers, regarding the conduct of meeting for consideration of the applications made by the persons to become the members of the society, is set aside.

(iv) The Judge Commissioner shall arrange for installation of CCTV cameras in the venue of election and the entire conduct of election shall be videographed at the cost of the appellant and the 1st respondent to be shared equally.

(v) The Superintendent of Police, Kanyakunari District, shall give police protection to the Judge Commissioner. The concerned Superintendent of Police shall



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give adequate police protection on the date of conduct of the election, for its smooth conduct.

(vi) The election expenses shall be borne by the society.

(vii) The remuneration of the Judge Commissioner is fixed at Rs.5,00,000/- (Rupees Five Lakhs only), which shall be paid by the appellant as well as the 1st respondent equally. The said amount shall be paid within a period of one week from the date of receipt of a copy of this judgment.

7. With the above directions, the Writ Appeal is disposed of. No costs. Connected miscellaneous petitions are closed.

[J.N.B., J.] [S.S.Y., J.]
09.04.2025

Index : Yes / No
Neutral Citation : Yes / No
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J.NISHA BANU, J.
and
S.SRIMATHY, J.

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To:

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JUDGMENT MADE IN
W.A(MD)No.611 of 2025
DATED : 09.04.2025