



W.P.(MD) No.23889 of 2017

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.01.2025

CORAM:

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

**W.P.(MD) No.23889 of 2017
and
W.M.P.(MD) No.20026 of 2017**

PS.Nagarajan

... Petitioner

/vs./

- 1.The Registrar of Cooperative Societies,
No.170, EVR Periyar High Road,
Kilpauk, Chennai 600 010.
- 2.The Joint Registrar,
O/o. the Joint Registrar of Cooperative Societies,
Sivagangai Region,
Sivagangai Post & District.
- 3.The Deputy Registrar of Cooperative Societies,
Karaikudi Circle,
Karaikudi Post,
Sivagangai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, to call for the records in pursuant to the impugned order passed by the 2nd respondent vide his proceedings Na.Ka.No.6424/95



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Sa.Pa dated 12.03.1997 and the same was communicated to the petitioner along with the impugned order passed by the 3rd respondent in Na.Ka.No. 471/2016/Sa.Pa dated 20.11.2017 and quash the same.

For Petitioner : Mr.M.Saravanakumar

For Respondents : Mr.R.Suresh Kumar
Additional Government Pleader

ORDER

The challenge in the writ petition is to the order of the year 1997 as also the order of the year 2017, wherein the petitioner had been disqualified from contesting the elections to the office of the Cooperative Credit Societies.

2. The case of the petitioner is that the petitioner had not been served with the order dated 12.03.1997, under which he had been disqualified. He would submit that the petitioner had contested the elections in the year 2013 and was elected and thereafter he was also appointed as President of Q633- Ner Kuppai Primary Agricultural Co-operative Credit Society, Nerkuppai Post, Sivagangai District. Even though it is claimed that the petitioner had been disqualified under Section 36(1) of the Tamil Nadu Co-operative Societies Act, the said order had



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not been served upon the petitioner. Since the order had not been implemented, the candidature of the petitioner was found successful and he had successfully contested the elections and was also appointed as President of the Society.

3. Certain disputes arose between the Office Bearers of the Society and he was sought to be removed by way of a no confidence motion, which came to be challenged by the petitioner before this Court in W.P.(MD) No.17448 of 2014 and the said writ petition came to be allowed by this Court by its order dated 26.03.2015, which was also challenged by the other Office Bearers of the Society in W.A.(MD) No.644 of 2015, which also came to be dismissed by order dated 17.02.2017. Thereafter, a disgruntled person on the basis of the un-implemented order had moved a writ petition before this Court, in which this Court had directed the respondents therein to consider the representation, based upon which further impugned order had been passed in the year 2017 to give effect to the order of the year 1997, which itself would indicate that the order of the year 1997 has not been implemented. He would further submit that the petitioner had also completed the term of office, in view of the interim order granted by this Court. He would therefore submit that the impugned order of the year 2017 is only on



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the basis that in 1997, the petitioner has been disqualified.

4. On the other hand, Mr.R.Suresh Kumar, learned Additional Government Pleader appearing on behalf of the respondents would submit that the petitioner had been served with the order of the year 1997, as the same had been sent to the petitioner by registered post on 11.04.1997. When that be so, the petitioner suppressing the same had contested the elections in the year 2013. When it can come to the notice about the said suppression, immediately action was taken and the order dated 20.11.2017 came to be passed. Hence, there is no infirmity in the order impugned herein.

5. I have considered the rival submissions made by the learned counsel on either side.

6. It is the claim of the petitioner that the order of the year 1997 has not been served upon him and hence, the said order cannot be treated to be a valid order to keep out the petitioner by the impugned order of the year 2017. On the other hand, it is the case of the respondents that the order of the year 1997 had



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been served. It is to be seen that pursuant to the impugned order, the petitioner had also completed his term of Office as President of the Society and the Society is presently being managed by a Special Officer. Hence, this Court is of the view that no further adjudication is required to be made in this writ petition. However, if the petitioner intends to contest any future election, it is for the authorities concerned to consider the qualification of the petitioner based upon the order impugned herein.

7. In fine, the Writ Petition stands disposed of. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

Index : Yes / No

21.01.2025

Internet : Yes / No

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To

1.The Registrar of Cooperative Societies,
No.170, EVR Periyar High Road,
Kilpauk, Chennai 600 010.

2.The Joint Registrar,
O/o. the Joint Registrar of Cooperative Societies,

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Sivagangai Region,
Sivagangai Post & District.

3.The Deputy Registrar of Cooperative Societies,
Karaikudi Circle,
Karaikudi Post,
Sivagangai District.



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K.KUMARESH BABU, J.

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