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W.A.No.3179 of 2024
and
Cont.P.No.176 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 28.01.2026

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**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR.JUSTICE C.KUMARAPPAN.**

**Contempt Petition No.176 of 2025
and
W.A.No.3179 of 2024**

Cont.P.No.176 of 2025

N.Balasubramaniam

..Petitioner

Vs.

1. Thiru.Rajagopal Sunkara,
The District Collector,
Erode District.
2. Dr.N.Subbaaiyan,I.A.S.,
The Registrar of Co-operative Societies,
No.170, Periyar E.V.R.Road,
Kilapakkam,
Chennai – 103.
3. K.Rajkumar,
The Joint Registrar of Co-operative Societies,
Mohan Kumaramangalam Salai, Surampatti,
Erode District.
4. Mr.Muthuchidambaram,
The Deputy Registrar of Co-operative Societies,
Balaji Nagar, Nalli Goundanpalayam,
Gopichettypalayam,



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Erode District.

5. Sri.Sudha,
The Administrator,
No.AA517 Bhavani Kuruchi Primary
Agricultural Co-operative Society,
Sembadampalayam,
Bhavani Taluk, Erode District.

..Respondents

Contempt Petition filed under Section 11 of the Contempt of Courts Act to
punish the respondents for willfully disobeying the order passe din MP.No.24481
of 2024 in WA.No.3179 of 2024 dated 19.12.2024. for disobeying the order of
this Court passed in W.A.No.3046 of 2019 dated 02.01.2023

For Petitioner : Mr.L.P.Shanmugasundaram

For Respondent : Mr.U.M.Ravichandran,Sp.G.P. for R1
Mr.M.Sureshkumar,AAG,
asisted by
Mrs.M.Geetha Thamarai Selvan,
Spl.G.P.(Co.op.) for R2 to R4
Mr.M.S.Palanisamy for R5

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N.Balasubramaniam

..Petitioner

Vs.

1. The District Collector,
Erode District.
2. The Registrar of Co-operative Societies,



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No.170, Periyar E.V.R.Road,
Kilapakkam,
Chennai – 103.

3. The Joint Registrar of Co-operative Societies,
Mohan Kumaramangalam Salai, Surampatti,
Erode District.
4. The Deputy Registrar of Co-operative Societies,
Balaji Nagar, Nalli Goundanpalayam,
Gopichettypalayam,
Erode District.
5. The Administrator,
No.AA517 Bhavani Kuruchi Primary
Agricultural Co-operative Society,
Sembadampalayam,
Bhavani Taluk, Erode District.

..Respondents

Writ Appeal filed under Clause 15 of Letter Patent Act to allow the writ
appeal and consequently set aside the order made in W.P.No.26014 of 2024
dated 06.09.2024

For Petitioner	: Mr.L.P.Shanmugasundaram
For Respondent	: Mr.U.M.Ravichandran,Sp.G.P. for R1 Mr.M.Sureshkumar,AAG, asisted by Mrs.M.Geetha Thamarai Selvan, Spl.G.P.(Co.op.) for R2 to R4 Mr.M.S.Palanisamy for R5



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COMMON ORDER

Under assail is the writ order dated 06.09.2024 passed in W.P.No.26014 of 2024. The writ petitioner is the appellant before this Court. The order of the Deputy Registrar of Co-operative Societies dated 11.06.2024, taking an administrative decision to construct a Co-operative Building at Sembadampalayam, came to be challenged in the writ petition.

2. Mr.L.P.Shanmugasundaram, the learned counsel for the appellant would mainly contend that the Society is named as Bhavani Kurichi Primary Agricultural Cooperative Society but the decision has been taken by the Deputy Registrar to construct a building at Sembadampalayam, to shift the headquarters from Bhavani Kurichi to Sembadampalayam, and the decision will affect the residents of Bhavani Kuruchi. It is further contended that the Society is registered in the name of Bhavani Kurichi Primary Agriculture Cooperative Society and therefore, shifting the Headquarters to Sembadampalayam, would change the name of the Society.

3. Mr.M.S.Palanisamy, learned counsel appearing on behalf of the 5th respondent would oppose by stating that apprehension raised by the appellant is



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incorrect. The Society will be named as Bhavani Kurichi Primary Agricultural Cooperative Society at Sembadampalayam. Therefore, the same would not cause any prejudice to the interest of the members of the Society. That apart, an administrative decision was taken based on several factors and considering the fact that more number of members are residing at Sembadampalayam.

4. In support of his contentions, Mr.Palanisamy, learned counsel would rely on the judgment of the Division Bench of this Court in the case of **Managing Director, Coimbatore District Cooperative Milk Producers Union, Panchapalayam, Coimbatore vs. T.Rathinasamy and another** in W.A.No.119 of 1996 dated 14.03.1996 wherein at paragraphs 6 and 7 it is held as under:

6. It is an established position of law that a member of a co-operative society or a shareholder of a company or a shareholder of a society is not a society or a company by himself and therefore he cannot project himself as the interest of the society or the company. He can only make a grievance as an infringement of his rights as a member. The co-operative society is a registered body and it is a legal person and it can take care of its interest and it is the 2nd respondent co-operative society, which has come forward to seek relief with reference to any wrong done to it. Therefore, at the instance of the petitioner, we do not consider that there is any



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justification to go into the dispute raised in this petition under Article 226 of the Constitution and adjudicate upon the relief sought for therein.

7. The subject matter of the writ petition as already pointed out, related to the proposed petition of the 1st respondent to start retail vending of milk, which according to the petitioner and 2nd respondent would affect the very existence of the 2nd respondent. Such a dispute separately falls within the section 90(1) of the Act which reads thus;

“90. Disputes:

(1) If any dispute touching the constitution of the board or the management or the business of a registered society (other than a dispute regarding disciplinary action taken by the competent authority constituted under subsection (3) of section 75 of the Registrar or the society or its board against a paid servant of the society) arises (a).....(b)....(c)....

(d) between the society and any other registered society, such dispute shall be referred to the Registrar for decision.”

Therefore, it is open to the 2nd respondent, if the action of the 1st respondent affects it, to raise a dispute before the Registrar of co-operative societies.

5. The learned Additional Advocate General appearing on behalf of the Department would submit that it is an administrative decision taken in the interest



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of the Society and its members by the Deputy Registrar. Major fixed depositors are residing at Sembadambakkam and the Society owns land at Sembadambakkam. Taking note of all these factors, the administrative decision was taken to construct the Headquarters building at Sembadambakkam and shifting of Head Office would not cause any prejudice to the members of the Society.

6. In reply, the learned counsel for the appellant, Mr.L.P.Shanmugasundaram would submit that the General Body meeting has not been convened to take such a decision. Majority of administrative decisions are taken in the general body meeting to be convened. Therefore the order of the Deputy Registrar of the Cooperative is not in accordance with the provisions of the Act.

7. This Court heard the parties to the lis.

8. Administrative decisions taken by the Co-operative Society cannot be challenged by way of writ proceedings. It is all about shifting of the Headquarters from Bhavani Kurichi to Sembadampakkam and the distance between these two places are approximately 3 Kilometers. When such an administrative decision is



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taken considering various factual scenario, if all any grievance exists to some of the members, they will have to approach the competent authority under Section 90 of the Tamilnadu Co-operative Societies Act for adjudication of disputed fact. High Court in exercise of power of judicial review under Article 226 of the Constitution of India cannot adjudicate disputed facts nor conduct a roving enquiry with reference to the factual situation considered by the authority for shifting of headquarters of Co-operative Society.

9. Co-operative Society registered under the Tamilnadu Co-operatives Societies Act is not a State within the meaning of Article 12 of the Constitution of India. There is no government funding to the Co-operative Society. The Society is functioning from and out of the funds invested by its own members and therefore, the decisions taken by the general body if not in consonance with the provision of the Act, the alternative remedy contemplated under the TamilNadu Cooperative Societies Act is to be exhausted and the writ petition would not lie before the High Court.

10. The larger Bench of the High Court also ruled that no writ against Cooperative Societies is maintainable in the case of ***K.Marappan V. Deputy Registrar Of Cooperative Societies, Namakkal*** reported in 2006(4) CTC 689.



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11. When the Co-operative Societies Act contemplates mechanism for redressal of grievance, aggrieved members have to approach the competent forum. It is the special enactment. That being so, approaching the High Court in order to adjudicate the disputed fact relating to administrative decision, deserves no merit consideration.

12. In view of the above facts and circumstances, this Court does not find any infirmity in respect of the decision taken by writ Court for dismissing the writ petition. Thus, the present Writ Appeal stands dismissed. In view of the final order passed in the Writ Appeal, the Contempt Petition No.176 of 2025 filed against the interim order stands closed. No costs.

(S.M.S., J.) (C.K., J.)
28.01.2026

vsi



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**S.M.SUBRAMANIAM,J.
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C.KUMARAPPAN,J.**

vsi

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