

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.07.2015

Coram:

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.19958 of 2015
and M.P.No.1 of 2015

T.Thiyagarajan

[Petitioner]

Vs

1 The Deputy Registrar of Co-operative Societies
Kancheepuram Circle
Kancheepuram.

2 The Co-operative Sub-Registrar/Field Officer
Walajabad Block
Kancheepuram District

[Respondents]

PRAYER: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari to call for the entire records relating to the order dated 30.06.2015 on the file of the second respondent herein and quash the same.

For Petitioner : Mr.C.Munusamy

For Respondents : Mr.L.P.Shanmughasundaram, SGP

O R D E R

Mr.L.P.Shanmughasundaram, learned Special Government Pleader takes notice for the respondents. With the consent of both sides, the Writ Petition itself is taken up for final disposal.

2. This writ petition has been filed challenging the impugned notice dated 30.06.2015 issued by the Co-operative Sub-Registrar/Field Officer, Walajabad Block, Kancheepuram District, proposing to constitute a special meeting to be held on 08.07.2015.

3. Learned counsel for the petitioner would submit that the impugned order dated 30.06.2015 is challenged on the ground that when the 2nd respondent has proposed to convene "no confidence motion" against the petitioner, who is an elected President, the Registrar, as per Rule 62(3) of the Tamil Nadu Co-operative Societies Rules, 1988 (hereinafter referred to as "the Rules"), shall communicate a copy of the requisition to the office bearer concerned, calling upon him to make his representation, if any, within such time as may be specified by him. The Registrar, shall, within thirty days from the date of receipt of such requisition arrange to convene a special

meeting of the Board of the Society, for consideration of the resolution expressing no confidence in the officer bearer, for which, not less than three clear days' notice shall be given. But, according to the learned counsel for the petitioner, in the present case, neither the first limb of the said rule viz., within thirty days from the date of receipt of requisition, the Registrar has to arrange for convening a special meeting of the Board of the Society nor the second limb of the said rule viz., not less than three clear days' notice for considering the resolution expressing no confidence in the petitioner was complied with. Hence, the impugned order is liable to be set aside.

4. Mr.L.P.Shanmughasundaram, learned Special Government Pleader, appearing for the respondents, fairly conceded before this Court that before issuing the notices as contemplated under Rule 62(3) of the Rules, all of a sudden, the impugned notice dated 30.06.2015 has been issued. Therefore, he sought liberty from this Court to proceed in accordance with law, against the petitioner, more particularly, on the basis of Rule 62(3) of the Rules.

5. At this juncture, it is useful to refer to Rule 62(3) of the Rules hereunder:-

"62(3) As soon as such a requisition is received, the Registrar, shall communicate a copy of the requisition to the officer bearer concerned, calling upon him to make his representation, if any, within such time as may be specified by him. The Registrar, shall, within thirty days from the date of receipt of such requisition arrange to convene a special meeting of the Board of the Society, for consideration of the resolution expressing no confidence in the officer bearer, for which, not less than three clear days' notice shall be given. A copy or gist of the requisition and of the representation, if any, received from the officer-bearer concerned shall also be sent to the members along with the notice for the special meeting of the board".

6. In view of the fact that before issuing notice to convene no confidence motion, the Registrar has not issued any notice whatsoever, as per Rule 62(3) of the Rules referred supra, on this sole ground, the impugned order is set aside.

7. In the result, the writ petition stands allowed. However liberty is given to the respondents to proceed against the petitioner in accordance with law, if so advised. No costs. Connected miscellaneous petition is closed.

rg

s/d-

Assistant Registrar(V)

True Copy

Sub-Assistant Registrar

To

1 The Deputy Registrar of Co-operative Societies
Kancheepuram Circle
Kancheepuram.

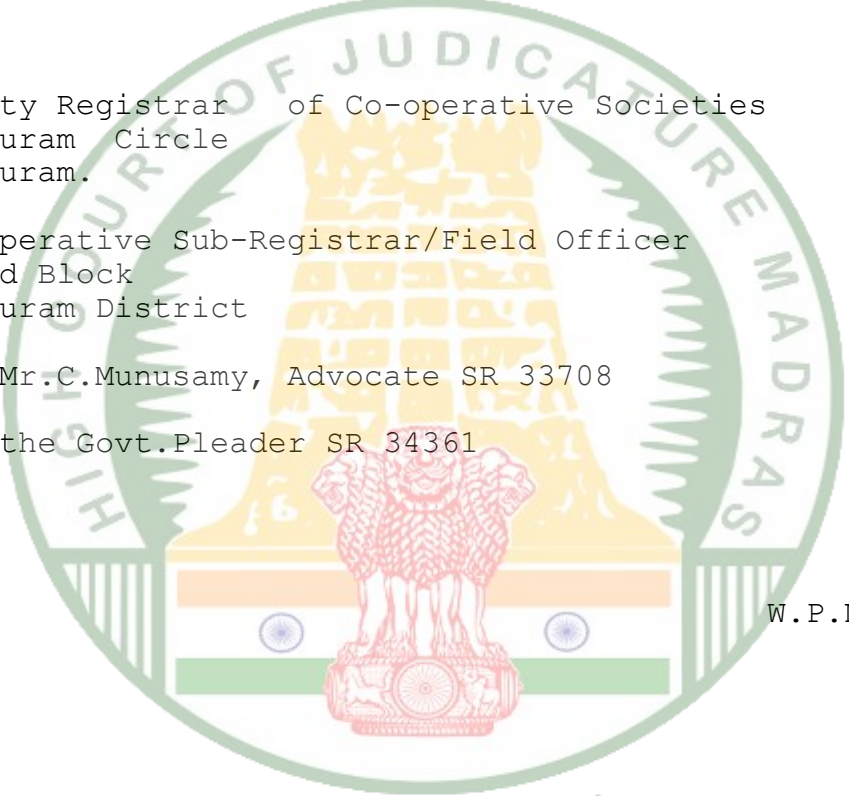
2 The Co-operative Sub-Registrar/Field Officer
Walajabad Block
Kancheepuram District

+ 1 cc to Mr.C.Munusamy, Advocate SR 33708

+ 1 cc to the Govt.Pleader SR 34361

kk(co)
prk27/7

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