

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 02.11.2015

CORAM

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

W.P. No.33484 of 2015 &
M.P.No.2 of 2015

M.Kannan

[PETITIONER]

Vs

- 1 The Deputy Registrar of
Cooperative Societies (Housing)
Cuddalore Region, Cuddalore
- 2 The Cooperative Sub Registrar (Housing)
Office of the Deputy Registrar of
Cooperative Societies
Cuddalore.

[RESPONDENTS]

PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue Writ of certiorari to call for the records of the 2nd respondent dt 7.10.2015 and quash the same.

For Petitioner : Mr.T.Sellapandian

For Respondents : Mr.R.Bala Ramesh
Govt. Advocate

सत्यमेव जयते

O R D E R

By consent of the learned counsel on either side, the writ petition is taken up for final disposal.

2.Heard Mr.T.Sellapandian, learned counsel appearing for the petitioner and Mr.R.Bala Ramesh, learned Government Advocate appearing for respondents.

3.The petitioner has filed this Writ Petition, challenging the notice issued by the second respondent dated 07.10.2015.

4.The petitioner is the elected President of the Public Servants Co-operative Housing Society, Cuddalore, in the election conducted in 2013, and he is functioning as such from May 2013. By the impugned notice, the petitioner has been called upon to attend the meeting on 15.10.2015 at 11.00 a.m. to consider the issue as to whether the petitioner should continue as a President of the Society or not.

5.The primary ground on which the impugned proceedings has been challenged is that earlier proceedings were initiated against the petitioner under section 81 of the Tamil Nadu Co-operative Society Act, 1983 and nothing illegal or untoward incident was alleged against the petitioner and subsequently, the said proceedings was closed as no material was placed against the petitioner. Therefore, the petitioner would state that he is entitled to know on what basis 'no confidence' has been raised against him and submits that the impugned notice is bereft of particulars.

6.On a perusal of the impugned notice, it is evidently clear that the petitioner along with other members have been called upon to attend the meeting on 15.10.2015 at 11.00 a.m. to consider the issue as to whether the petitioner should continue as a President of the Society or not. However, the notice is not specific as to why such meeting is called for, what was the basis and who has given a representation to raise 'no confidence' against petitioner etc.

7.Since the impugned notice is bereft of particulars, the Writ Petition is allowed. However, it is open to the second respondent to proceed in accordance with law, if there are any materials against the petitioner. No costs. Consequently, connected Miscellaneous Petition is closed.

sd/

ASSISTANT REGISTRAR(CS-III)

/TRUE COPY/

SUB-ASSISTANT REGISTRAR

rpa

To

1 The Deputy Registrar,
Co-Operative Societies (Housing)
Cuddalore Region, Cuddalore.

2. The Co-Operative Sub Registrar(Housing),
o/o The Deputy Registrar of
Co-Operative Societies, Cuddalore.

+1 CC to MR.T.Sellapandian Advocate. SR.NO. 60550

+1 CC to MR.R.Bala Ramesh Advocate. SR.NO. 60602

W.P. No.33484 of 2015

CO-NM
JD 19/11/2015



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