

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.08.2015

CORAM

THE HON'BLE MR. JUSTICE N.KIRUBAKARAN

W.P.No.894 of 2015

and

M.P.No.1 of 2015

K.Paramadayalan

.. Petitioner

Vs.

1.The Assistant Director of Fisheries,
Cuddalore Circle,
Cuddalore - 3.

2.The Co-operative Sub Registrar/
Assistant Director (Region),
Fisheries Department,
Cuddalore.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari calling for the records of the notice issued by the 2nd respondent dated 3.1.2015 and quash the same.

For Petitioner .. Mr.M.S. Palaniswamy

For Respondents .. Mr.R.Bala Ramesh

Additional Government Pleader

ORDER

The petitioner has been elected as President of E.1964, Killai Fishermen Co-operative Society Ltd.,. There are seven elected members in the said Society. Out of 7, four members gave a requisition letter dated 15.11.2014 to the first respondent to conduct a special meeting of the Board of Directors to facilitate no confidence motion against the petitioner. The first respondent issued a notice dated 18.12.2014 seeking for explanation. The petitioner also submitted his explanation on 24.12.2014. Till date, no enquiry was conducted based on the petitioner's explanation. However, the second respondent issued a notice on 3.1.2015 stating that a meeting will be held on 12.1.2015 as per the requisition made by the four members. The said notice is being challenged before this Court for violation Rule 62 (2) and (3) of the Tamil Nadu Co-operative Society Rules.

2. Heard Mr.M.S.Palaniswamy, learned counsel for the petitioner and Mr.R.Bala Ramesh, learned Additional Government Pleader for the respondents.

3. As per Rule 62(3) of the Co-operative Societies' Rules, the meeting should be convened within 30 days from the date of requisition. In this matter, requisition was made on 15.11.2014 whereas the meeting was sought to be convened on 12.1.2015 which is beyond 30 days. Therefore, the impugned notice suffers from violation of Rule 62(3). Similarly, as per Rule 62 (2), requisition in writing should be signed by not less than two-third existing members of the Board of the Society. Therefore, the requisition given by four members cannot be called as requisition as per the terms of Rule 62(2). On this ground also, the impugned order suffers.

4. In a similar matter, in Thanga, Kathiravan v. Deputy Registrar of Co-operative Societies reported in (2015) 2 MLJ 395, this Court set aside the impugned proceedings therein. In view of that, the impugned proceedings dated 03.01.2015 is quashed and the Writ Petition is allowed. No costs. The connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

asvm

To

- 1.The Assistant Director of Fisheries,
Cuddalore Circle,
Cuddalore - 3.
- 2.The Co-operative Sub Registrar/
Assistant Director (Region),
Fisheries Department,
Cuddalore.

+lcc to Mr.M.S. Palaniswamy, Advocate, S.R.No.46118
+lcc to the Government Pleader, S.R.No.46261

KM(CO)
EU(18/09/2015)

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