



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.08.2015
Coram

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THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P. (MD) .No.14126 of 2015
and
M.P. (MD) No.1 of 2015

A.Natarajan :Petitioner
vs.

1. The District Collector,
Virudhunagar District,
2. The Director of Handloom,
Koralagam, Chennai - 108.
3. A1601 Srivilliputtur Co-operative Weavers
Production And Sales Society Limited,
Srivillikputtur,
Throught is Managing Director / Textile Control Officer.
4. The President,
A.1601 Srivilliputtur Co-operative Weavers
Production And Sales Society Limited,
Srivillikputtur, : Respondents

Prayer: Petition is filed under Article 226 of the Constitution of India for the issue of a Writ of Certiorari, to call for the records of the 3rd respondent relating to the impugned notice, dated 03.08.2015 and quash the same.

For Petitioner : Mr.T.S.R.Venkataramana

For Respondents : Mr.M.Murugan,
(R1 and R2) Government Advocate

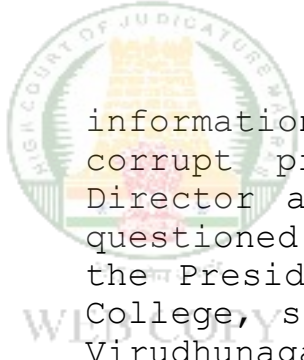
For Respondents : Mr.A.John Vincent
(R3 and R4)

ORDER

The Writ Petition has been filed praying for issuance of a Writ of Certiorari, to call for the records of the 3rd respondent, relating to the impugned notice, dated 03.08.2015 and quash the same.

<https://hcservices.ecourts.gov.in/hcservices/>

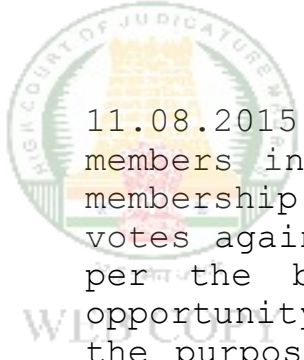
2. The petitioner is the member of the 3rd respondent Society with Membership No.2778. The petitioner has asked for certain



information from the respondents 3 and 4, in order to expose the corrupt practices of the Textile Control Officer / Managing Director and President of the Society. Further, the petitioner questioned the membership of one Sivakumar S/o. Arumuga Peurmala, the President of the Society, as he is a student of Engineering College, studying in Coimbatore. The Deputy Director, Handloom, Virudhunagar, by letter, dated 28.05.2015 informed the petitioner that the said Sivakumar was removed from membership. In these situation, by letter, dated 04.07.2015, the 3rd respondent issued a show-cause notice to the petitioner, as to why the petitioner should not be removed from the membership of the Society, for anti-society activities. By letter dated 09.07.2015, the petitioner has submitted his reply to the show-cause notice that he has not committed any anti-social activities. But, the Society, without conducting any enquiry about the alleged misconduct, by impugned notice, dated 03.08.2015, called for a special meeting, for the sole purpose of removing the petitioner from the Society, in which, the petitioner is a member from 31.08.1989, for more than 26 years. Challenging the same, the present writ petition has been filed.

3. The 4th respondent has filed a counter stating that the petitioner has demanded information from the respondents 3 and 4 and the information sought for by the petitioner was produced, within the time. It is incorrect to state that those informations would expose the corrupt practices of the Textile Control Officer / Managing Director and President of the Society. When the petitioner questioned the membership of one Sivakumar, as he is a student of Engineering College, the Deputy Director, informed the petitioner that he was removed from membership, since the said Sivakumar, joined the Engineering College, he himself had relinquished the membership. The show-cause notice was issued to the petitioner not because he raised some questions but the fellow members, more than 75 in number, gave a requisition to take disciplinary action against the petitioner and, as requested by them, and after due permission from the Assistant Director, Handloom and Textiles, Virudhunagar, the show-cause notice was issued. Absolutely, there is no violation of bylaw of the Society in convening the Special meeting. Further, there is duty cast upon the Society to convene such a Special Meeting, when there is a demand from the members of the Society to that effect. Further, the Assistant Director, Handlooms and Textile, Virudhunagar, also gave his permission by his letter dated 5.8.2015, to convene a special meeting on 11.08.2015.

4. The contention of the petitioner that the Society has called for a special meeting for the sole purpose of removing the petitioner from the Society is not correct. As accepted by him, a show-cause notice was issued to him and he gave a reply, dated 9.7.2015. Since the said reply is not satisfactory, as a next course of action, the special meeting was proposed to convene on



11.08.2015. Even now, if the petitioner is able to convince the members in the special meeting, he will not be removed from the membership of the society. Further, if there is no two third votes against him, he will not be removed from the membership. As per the bylaw, the member concerned shall also be given an opportunity of being heard, at the special meeting convened for the purpose. Even if the special meeting decided by resolution to expel the petitioner, the society shall send a copy of such resolution, to the Registrar for approval and no member shall be expelled, until the resolution is approved by the Registrar. In case of expulsion, the petitioner has the right to appeal to the appellate authority, as specified under Section 152 of the Act. Thus, the respondents prayed for dismissal of the writ petition.

5. I have heard the submissions made on either side and perused the materials available on record.

6. The present writ petition has been filed on the apprehension that the 4th respondent has called for a special meeting only in order to remove the petitioner from the membership of the Society. On perusal of the records it would reveal that the respondent called for a special meeting, since more than 75 members gave a request, to take disciplinary action against the petitioner. Only after issuance of show-cause notice to the petitioner and after receipt of reply from him and not being satisfied with the said reply, the respondent is going to conduct a special meeting. Even assuming that the petitioner is expelled from the membership, he is having the right to appeal to the appellate authority, under Section 158 of the Act. Therefore, the petitioner is having an effective alternative remedy, before the authority concerned, being expelled. Hence, the writ petition filed by the petitioner, challenging the impugned notice, calling for special meeting, is premature in nature. Hence, the writ petition is liable to be dismissed.

7. In the result, the writ petition dismissed. No costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar (AS)

/True Copy/

Sub Assistant Registrar



To

1. The District Collector,
Virudhunagar District,

2. The Director of Handloom,
Koralagam, Chennai - 108.

3. The Managing Director / Textile Control Officer,
A1601 Srivilliputtur Co-operative Weavers
Production And Sales Society Limited,
Srivillikputtur,

4. The President,
A.1601 Srivilliputtur Co-operative Weavers
Production And Sales Society Limited,
Srivillikputtur,

+ 1 CC TO MR.T.S.R.VENKATRAMANA, ADVOCATE IN SR NO. 45654

+ 1 CC TO MR.A.JOHN VINCENT, ADVOCATE IN SR NO. 45417

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR NO. 45592

MPK

TE/RR-SKS/LIB 05/09/2015 4P/8C

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10.08.2015