

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.03.2016

C O R A M

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

W.P.No.1145 of 2016
and
WMP.No.878 of 2016
and
5213 of 2016

A.Justin

Petitioner

Vs

1. The Deputy Registrar of
Co-operative Societies (Credit)
Kuralagam, Chennai - 600 108.
2. The Managing Director
Chennai Corporation Officials
Co-operative Society,
Rippon Buildings, Chennai -600 003
3. Mr.K.Venkatesan
Director and Vice President
Chennai Corporation Officials
Co-operative Society,
Rippon Buildings, Chennai - 600 003
4. Mr.C.Ashok Kumar
Director, Chennai Corporation Officials
Co-operative Society,
Rippon Buildings, Chennai - 600 003
5. Mr. S. Murugan
Director,
Chennai Corporation Officials
Co-operative Society,
Rippon Buildings,
Chennai - 600 003

Respondents

Writ Petition filed under Article 226 of the Constitution
of India, praying to issue a Writ of Mandamus directing the

respondents 1 & 2 not to allow the respondents 3 to 5 to participate in any Board Meeting of the 2nd respondent Co-operative Society.

For Petitioner	...	Mr.K.Surendren
For R1	...	Mr. Bala Ramesh
		Additional Government Pleader
For R3 to R5	...	Mr. R.Manickavel
For R2	...	No Representation

O R D E R

The petitioner, who is the President of the Chennai Corporation Officials Co-operative Society, has filed this writ petition praying for issuance of a writ of mandamus to direct the respondents 1 and 2 not to allow the respondents 3 to 5 to participate in the Board Meeting.

2. Heard Mr.K.Surendren, learned counsel appearing for the petitioner, Mr. Bala Ramesh, learned Additional Government Pleader appearing for the first respondent and Mr. R.Manickavel learned counsel appearing for the respondents 3 to 5.

3. The case of the petitioner is that the respondents 3 to 5 have suffered disqualification on account of their absence from all Board Meetings for a continuous period of three months. However, it appears that the petitioner has not lodged any complaint in this regard before the Registrar of the Co-operative Societies.

4. The contention of the respondents 3 to 5 is that they have filed an application invoking the proviso under Section 34 (2) of the Tamil Nadu Co-operative Societies Acts and resolution has also been passed in this regard.

5. In any event, the question of fact as to whether any resolution has been passed as stated by the respondents 3 to 5 condoning their absence executing power under Section 34(2) of the Act and whether it is a valid one or not is a matter to be considered by the first respondent in detail.

6. Accordingly, at this stage of the matter, no writ of mandamus as sought for can be granted. Accordingly, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed. However, this will not prevent the petitioner from approaching the first respondent by filing appropriate representation. On such representation being filed the first respondent shall consider the same, after

issuing notice to the petitioner as well as the respondents 3 to 5, in accordance with law and pass a speaking order, within a period of eight weeks from the date of receipt of such representation.

Sd/-
Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

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To

1. The Deputy Registrar of
Co-operative Societies (Credit)
Kuralagam, Chennai - 600 108.
2. The Managing Director
Chennai Corporation Officials
Co-operative Society,
Rippon Buildings, Chennai -600 003

+1 cc to Mr.R.N.Amarnath, Advocate, sr.17575
+1 cc to Mr.R.Manickavel, Advocate, sr.17712
+1 cc to Government Pleader, sr.17725

W.P.No.1145 of 2016

scd co
kra 31.03.2016

सत्यमेव जयते

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