

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 09.03.2016
Coram

The Hon'ble Mr. Justice T.S. Sivagnanam

Writ Petition No.8710 of 2016
and
W.M.P.No.7701 of 2016

M.Kannan
President
E-2729, Public Servants
Cooperative Housing Society,
Cuddalore- 1. ...Petitioner

Vs.

1. The Secretary,
E-2729, Public Servants Cooperative Housing Society,
38-A, Main Road,
Pudupalayam, Cuddalore- 607 001.
2. The Cooperative Sub Registrar (Housing)
Office of the Deputy Registrar of Cooperative Societies,
Cuddalore. ...Respondents

Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Certiorari, to call for records of the first respondent, dated 24.02.2016, and to quash the same.

For Petitioner : Mr.T.Sellapandian
For Respondent-1 : Mrs.T.P.Savitha
Government Advocate
For Respondent-2 : Mr.E.M.S.Natarajan

O R D E R

Heard the learned counsel appearing for the petitioner, and Mrs.T.P.Savitha, the learned Government Advocate, who accepts notice on behalf of first respondent, and Mr.E.M.S.Natarajan, the learned counsel, who accepts notice for second respondent.

2. The petitioner has filed this Writ Petition, challenging the proceedings/notice of the first respondent, who is the Secretary of E-2729, Public Servants Cooperative Housing Society.

3. By the aforesaid proceedings, which is a notice, the first respondent has convened a meeting of the Board on 10.03.2016, and the notice states, as if, it was issued only based on the direction issued by this Court in the earlier Writ Petition, being W.P.No.33484 of 2015. The said Writ Petition was filed by the petitioner, praying for issuance of Writ of Certiorari to quash the notice issued by the second respondent, dated 07.10.2015. After hearing the counsels appearing for the respective parties in the said case, this Court pointed out that the notice issued by the second respondent was not specific as to why the meeting was called for, and what was the basis for issuance of the same, and who has given a representation to raise "non confidence motion" against the petitioner, etc. Therefore, the notice, dated 07.10.2015, being bereft of particulars, the Writ Petition was allowed and the proceedings of the second respondent was set aside, leaving it open to the second respondent to proceed in accordance with law, if there are materials against the petitioner. Surprisingly, the second respondent has not taken any action, whereas, the first respondent, who is the Secretary of the Society, referring to the order passed by this Court in the earlier Writ Petition, issued the proceedings, which is impugned herein. It is clear that the first respondent has not understood the scope of the order passed in the earlier Writ Petition, and has mechanically issued the notice in question. Hence, the impugned notice has to be held to be bad in law.

4. In the result, the Writ Petition is allowed, the impugned notice stands quashed, and it is open to the second respondent to act in accordance with law. No costs. Consequently, connected Miscellaneous Petition is closed.

sd

s/d-

Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

To

1. The Secretary,
E-2729, Public Servants Cooperative Housing Society,
38-A, Main Road, Pudupalayam, Cuddalore- 607 001.
2. The Cooperative Sub Registrar (Housing)
Office of the Deputy Registrar of Cooperative Societies,
Cuddalore.

+ 1 cc to Mr.T.Sellapandian, Advocate, SR 15112

cnr(co)
prk9/3

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