



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.07.2016

CORAM :

THE HONOURABLE MR.JUSTICE T.RAJA

W.P (MD) No.13001 of 2016

and

W.M.P (MD) No.9817 of 2016

S.Geetha

... Petitioner

vs.

- 1) The Registrar of Co-operative Societies,
Kilpauk,
Chennai-600 010.
- 2) The Joint Registrar of Co-operative Societies,
Madurai District,
Madurai.
- 3) The Deputy Registrar of Co-operative Societies,
Usilampatti Circle,
Madurai District.
- 4) The Sub Registrar/Field Officer,
Co-operative Department,
Chellampatti Circle,
Office at Manalpatti,
Primary Agricultural Co-operative Bank,
Usilampatti Taluk,
Madurai District.

5) K.Sivanesan

... Respondents

Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorari, calling for the records of the 4th respondent herein in his proceedings dated 20.07.2016 and quash the same as illegal and without following the due process of law.

For Petitioner : Mr.G.Prabhu Rajadurai for Mr.P.Mahendran

For Respondents : Mr.T.R.Janarthanam,
Additional Government Pleader

**ORDER**

The learned counsel for the petitioner, challenging the impugned notice, submits that, as per Rule 62(2) of the Rules, there cannot be any holding of a special meeting by the Board, unless a requisition in writing signed by not less than two-third of the existing members of the Society is presented to the Registrar. In the present case, admittedly, there are 11 members and one amongst them namely, the 4th respondent/Mr.Sivanesan became a defaulter, therefore, as per Section 34(2) of the Tamil Nadu Co-operative Societies Act, he will cease to hold the office by reason of his default. According to him, 2/3rd of the 10 existing members should have presented the requests before the Registrar to convene a special meeting for passing a resolution expressing 'No-confidence motion' against the petitioner. Since the 4th respondent/Sivanesan also has jointly given a requisition, learned counsel for the petitioner pleaded, he should not be allowed to take part in the special meeting scheduled to be held on 25.07.2016.

2.Adding further, he would submit that if the 4th respondent/Sivanesan who became a defaulter, stands disqualified, unless a fresh requisition is given as per Rule 62(2), the Registrar shall not hold any meeting for passing the 'No-confidence motion'.

3.But this Court is not able to find any merit in the submissions made by the learned counsel for the petitioner. The reason is, even if the contention of the learned counsel for the petitioner is accepted that, by applying Rule 62(2) of the Tamil Nadu Co-operative Societies Rules, 2/3rd of the existing members should give a requisition for convening a special meeting to pass 'No-confidence motion', for the reason that the said Sivanesan became a defaulter, out of the existing 10 members, 2/3rd will constitute 6 members. In the present case, already there are 7 members existing, therefore, this Court is not inclined to interfere with the impugned proceedings. However, it is made clear that if R-4 Sivanesan continues to be a defaulter, at the time of holding the special meeting on 25.07.2016, the Registrar shall not allow him to take part in the Special Meeting, and similarly, if R-4 does not suffer any default, there may not be any bar for the Registrar to allow him to participate in the special Meeting.

In the result, the writ petition is dismissed. No costs. W.M.P(MD)No.9817 of 2016 is closed.

Sd/-

Assistant Registrar (T&P)

Sub Assistant Registrar (CS)



To

1) The Registrar of Co-operative Societies,
Kilpauk, Chennai-600 010.

2) The Joint Registrar of Co-operative Societies,
Madurai District, Madurai.

3) The Deputy Registrar of Co-operative Societies,
Usilampatti Circle, Madurai District.

4) The Sub Registrar/Field Officer,
Co-operative Department, Chellampatti Circle,
Office at Manalpatti,
Primary Agricultural Co-operative Bank,
Usilampatti Taluk, Madurai District.

+1cc to Mr.P.Mahendran, Advocate, Sr.No.38967

+1cc to the Special Government Pleader, Sr.No.38977

nbi

JM/NGM-MP/SAR-II/22.07.2016/3P-7C

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