

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.11.2017

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition No.30134 of 2017
and
WMP.Nos.32743 to 32745 of 2017

O.P.Sakkarai
Son of Pooncholai Gounder ... Petitioner

Vs.

1.The Joint Registrar of Cooperative Societies
Krishnagiri.

2.The Deputy Registrar of Cooperative Societies
Krishnagiri.

3.The Vice President
DD-100 Kondamandapatti Primary Agricultural
Cooperative Credit Society
Kodamandapatti, Pochampalli Taluk,
Krishnagiri District.

4.Thiru.R.Damodaran
S/o.Raja ... Respondents

Writ petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorari, calling for the records relating to the impugned order passed by the 1st respondent dated 16.10.2017 vide Na.Ka.No.3191/2017/Sa.Pa and the resolutions No.1 and 2 dated 17.04.2017 of the 3rd respondent and quash the same as illegal and contrary to law.

For Petitioner : Mr.D.Baskar
For Respondents : Mr.V.Selvaraj
Additional Government
Pleader
for R1 to R3

O R D E R

The petitioner is aggrieved against the proceedings of the first respondent dated 16.10.2017, wherein and whereby the first respondent directed the second respondent to follow Rule 62 of the Tamil Nadu Cooperative Societies Rules, by issuing proper notice and thereafter, convene a Special Administrative Committee meeting and to furnish a final report, based on the resolution passed in "No

Confidence Motion" against the petitioner.

2. Heard the learned counsel for the petitioner.

3. It is the contention of the petitioner that once the matter is remitted back by the first respondent to the second respondent for proceeding in accordance with Rule 62 of the above Said Rules, the fourth respondent cannot be permitted to function as President in the place of the petitioner.

4. There is no dispute to the fact that "No Confidence Motion" was passed against the petitioner from discharging his function as President is the subject matter Society and the said order was challenged before this Court along with consequential notice issued by the second respondent on 05.05.2017 and 22.05.2017, in WP.No.15833 of 2017. The fact remains that the above said writ petition was disposed of by this Court on 23.06.2017, by granting liberty to the petitioner to file a revision before the competent authority, also by holding that the Vice President viz., the fourth respondent herein has taken charge as in-charge of the Society and therefore, at that stage, the said writ petition filed was not maintainable. Thereafter, the petitioner filed a revision before the first respondent, who in turn passed the above said impugned order. When already "No Confidence Motion" was passed against the petitioner and when such resolution challenged before this Court in the earlier writ petition was not interfered with, I find that the order passed by the first respondent impugned in this writ petition is in no way prejudicial to the interest of the petitioner, as the first respondent has only remitted the matter back to the second respondent to follow Rule 62 of the above said Rules and proceed further, accordingly. The petitioner, at this stage is not entitled to claim that he should be permitted to function as President, especially when the fourth respondent has already taken charge as in-charge of the President of the concerned Society.

Therefore, I find that the present writ petition is totally misconceived and accordingly, the same is dismissed as being devoid of merits. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

mk

Note: Issue order copy on 27.11.2017

To

1.The Joint Registrar of Cooperative Societies

Krishnagiri.

2.The Deputy Registrar of Cooperative Societies

Krishnagiri.

3.The Vice President

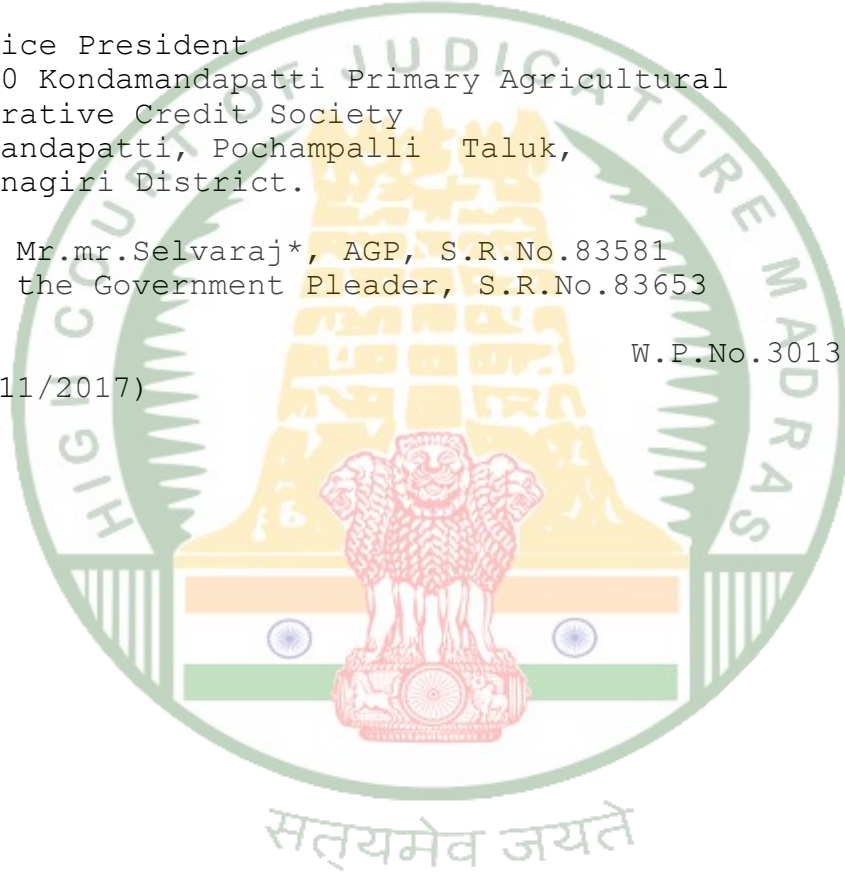
DD-100 Kondamandapatti Primary Agricultural
Cooperative Credit Society
Kodamandapatti, Pochampalli Taluk,
Krishnagiri District.

+1cc to Mr.mr.Selvaraj*, AGP, S.R.No.83581

+1cc to the Government Pleader, S.R.No.83653

W.P.No.30134 of 2017

RRK(27/11/2017)



WEB COPY