

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 10.07.2017
CORAM :

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

W.P. No.7414 of 2017
and
WMP. No.8069 of 2017

S.Balakrishnan,
Chairman,
8620, Kamarasampatty Milk
Procedure Co-operative Society Ltd. ..Petitioner
Salem

Vs.

- 1 The Deputy Registrar
Milk Production,
Old Nattamai Building
Salem-636 001.
- 2 The Komarasampatty Milk
Producers Co-operative Society Ltd.,
Rep. By its Secretary,
Salem-636 007. ..Respondents

PRAYER: This Writ Petition is filed under Article 226 of the Constitution of India, to issue Writ of Certiorari, calling for the records of the 2nd respondent herein culminating in the alleged resolution dated 28.11.2016 passed by the 2nd respondent and quash the same society allegedly removing the petitioner from the post of the President of the 2nd respondent Society from retrospectively 22.10.2016.

For Petitioner : Mr. M.R.Sivakumar
For Respondents : Mr.V.Selvaraj
Addl. Government Pleader R1
Mr.L.P.Shanmugasundaram
Spl. Govt. Pleader for R2

O R D E R

The petitioner has filed the present writ petition seeking to quash the resolution dated 28.11.2016 passed by the 2nd respondent Society, allegedly removing the petitioner from the post of the President, retrospectively from 22.10.2016.

2. The learned counsel for the petitioner submitted that the petitioner was the President of the 2nd respondent Society. Based on the decision taken in the meeting held on 28.10.2016, by the Board of Directors, the petitioner was removed from all the charge of the Society and to that effect, the communication dated 28.11.2016 was sent to the 1st respondent. Hence, the petitioner has sent a representation dated 07.12.2016 to the 1st respondent about the illegal board meeting and his removal from the post of President. According to the petitioner, the said resolution was served on him on 09.12.2016, subsequent to his representation. Challenging the impugned Resolution dated 28.11.2016 the petitioner has filed this writ petition.

3. The learned Additional Government Pleader strenuously objected this writ petition as not maintainable, in the light of the decision rendered by the large Bench judgment of this Hon'ble Court in the case of K.Marappan v. Deputy Registrar of Cooperative Societies, (2006) 4 MLJ 641; He further submitted that in paragraph 5 of Counter affidavit filed by the 2nd respondent, it is stated that the impugned Resolution dated 28.11.2016 has been withdrawn. Hence, the writ petition is liable to be dismissed.

4. In view of the above said statement and the submissions made in the counter affidavit, the writ petition is dismissed. Consequently, the connected Miscellaneous Petition is closed. No costs.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

avr

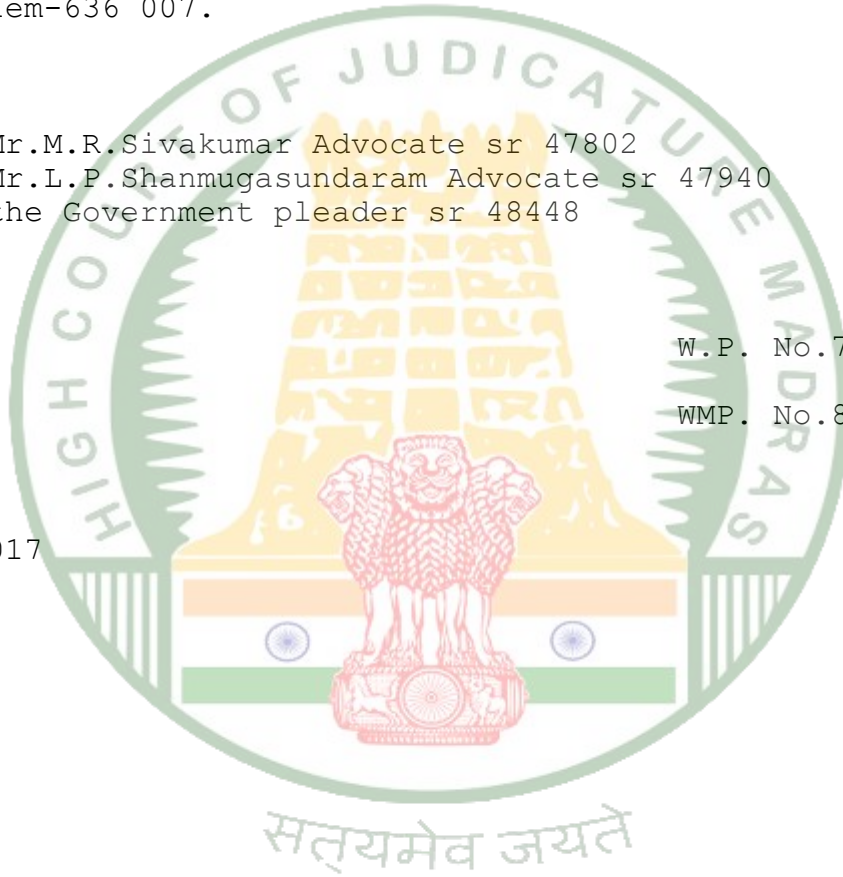
To

1. The Deputy Registrar
Milk Production,
Old Nattamai Building
Salem-636 001.
2. The Secretary,
The Komarasampatty Milk
Producers Co-operative Society Ltd.,
Salem-636 007.

+1 cc to Mr.M.R.Sivakumar Advocate sr 47802
+1 cc to Mr.L.P.Shanmugasundaram Advocate sr 47940
+1 cc to the Government pleader sr 48448

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