

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.07.2017

CORAM :

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

W.P. No.31053 of 2014

and

MP. No.1 of 2014

Poovai Chezhan

..Petitioner

Vs.

1. The Registrar of Co-operative Societies,  
Kilpauk, Chennai -10.
2. The Deputy Registrar of Co-operative Societies, Perambalur,  
Perambalur District.
3. R-1273 Perambalur Agricultural Producers  
Cooperative Marketing Society  
rep. By its Board of Directors  
Perambalur  
Perambalur District.
4. Tmt. R. Mythili
5. C. Ponnusamy
6. Chinna Rajendran
7. P. Selvaraj
8. B. Thirugnanam
9. T. Sasikala
10. P. Kamaraj
11. G. Sivanammal
12. P. Selvaraj
13. M. Ravichandran

...Respondents

PRAYER: This Writ Petition is filed under Article 226 of the Constitution of India, to issue Writ of Certiorarified Mandamus, calling for the records pertaining to the order passed by the 2<sup>nd</sup> respondent in his proceedings Na.Ka.No. 2279/2014/Saba(2) dated 21.11.2014 and quash the same and direct the 2<sup>nd</sup> respondent to complete the enquiry and take decision on the show cause notice

issued by the 2<sup>nd</sup> respondent in his proceedings Na.Ka.No. 2264/2014/Niva dated 28.10.2014 on the respondents 5 to 12 and pass such further orders.

For Petitioner : Mr. C. VEDIAPPAN  
for M/s. C.S. Associates

For Respondents : Mr.V.Selvaraj  
Addl. Government Pleader R1 & R2

Ms. T.P. Savitha for R3  
Mr.N. Ramesh for R4 to R12

### ORDER

The petitioner has filed the present writ petition seeking to quash the order passed by the 2<sup>nd</sup> respondent in his proceedings Na.Ka.No. 2279/2014/Saba(2) dated 21.11.2014 and direct the 2<sup>nd</sup> respondent to complete the enquiry and take decision on the show cause notice issued by the 2<sup>nd</sup> respondent in his proceedings Na.Ka.No. 2264/2014/Niva dated 28.10.2014 on the respondents 5 to 12.

2. According to the petitioner, he is the elected President of the 3<sup>rd</sup> respondent Society from 11.06.2013. At the instigation of the 13<sup>th</sup> respondent, the Board of Directors, who are respondents 4 to 12 herein, did not co-operate in the day to day functioning of the society and was trying to impair the society, in order to deactivate the Board. Therefore, the petitioner submitted a representation dated 12.11.2014. However, pursuant to the requisition made by nine of the Directors, the impugned notice dated 21.11.2014 has been issued by the 2<sup>nd</sup> respondent, to convene a Special Meeting on 28.11.2014. Challenging the meeting the petitioner has filed the present writ petition, raising various grounds.

3. Learned Additional Government Pleader would submit that by virtue of the interim orders granted by this Court, no meeting was held on 28.11.2014. The respondents have also filed the counter affidavit, stating that out of 11 Directors, 9 of them have given a representation to the 2<sup>nd</sup> respondent on 28.10.2014, seeking No Confidence Motion against the petitioner. The petitioner has submitted his explanation on 12.11.2014 and the same has been received by the 2<sup>nd</sup> respondent on 13.11.2014. It is further submitted that the writ petition has been filed challenging the notice issued under Section 62 of the Tamil Nadu Cooperative Societies Act, 1983 to conduct a meeting for deciding the 'no confidence motion' against the petitioner. In view of the above, this writ petition has become infructuous,

however permitted to proceed, in accordance with law, afresh.

4. Considering the rival submissions of the parties and on perusal of the material available on record, it is clear that the impugned order passed by the 2<sup>nd</sup> respondent to convene the meeting on 28.11.2014, has now become infructuous.

5. Therefore, the writ petition is dismissed, with the above liberty. Consequently, the connected Miscellaneous Petition is closed. No costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

avr

To

1. The Registrar of Co-operative Societies,  
Kilpauk, Chennai -10.
2. The Deputy Registrar of Co-operative  
Societies, Perambalur,  
Perambalur District.

+lcc to Mr.T.P.Savitha, Advocate, S.R.No.48439  
+lcc to the Government Pleader, S.R.No.49411

सत्यमेव जयते

W.P. No.31053 of 2014  
and  
MP. No.1 of 2014

MN(CO)  
GN(18/09/2017)

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