

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.12.2017

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition Nos.33387 and 33388 of 2017

and

W.M.P.No.36862 & 36863 of 2017

Abdul Kareem (A) V.K.Babu ..Petitioner in W.P.No.33387/2017

D.Jayachandran ..Petitioner in W.P.No.33388/2017

Vs.

1. The Deputy Registrar of
Co-operative Societies (Credit)
Kuralagam,
Chennai - 600 108.

2. The Managing Director,
The Triplicane Urban Co-operative
Society Ltd.,
No.156, Big Street,
Triplicane,
Chennai - 600 005.

3. M.V.Santhish Kumar

4. M.Saraswathy

5. M.Annalakshmi

6. N.Tamil Selvi

7. M.Sayeeda

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8. Selvi.S.Srimathy

9. K.Magesh Kumar

10. M.Kumaravel

11. S.V.Ramalingam

12. K.Karthik

13. E.Uththam Pandian

14.S.Divakar

15. S.Veeramani .. Respondents in both the W.Ps.

PRAYER: Writ petitions filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari to call for the records relating to the proceedings of the 1st respondent in Na.Ka.No.3738/2017/SaBa1 dated 15.12.2017 and quash the same.

For Petitioners : Mr.R.N.Amarnath

For Respondents : Mr.V.Selvaraj
Additional Government Pleader for R1
Mr.L.P.Shanmugasundaram for R2

COMMON ORDER

The petitioners are aggrieved against the proceedings of the first respondent dated 15.12.2017 for convening a meeting on 21.12.2017 at 3.00 p.m. for considering the no confidence motion issued against the petitioners.

2. Heard Mr.R.N.Amarnath, learned counsel appearing for the

petitioners, Mr.V.Selvaraj, learned counsel appearing for the 1st respondents and Mr.L.P.Shanmugasundaram, learned counsel appearing for the 2nd respondents.

3. Learned counsel appearing for the petitioners, after inviting this Court's attention to Rule 62(8) of the Tamil Nadu Co-operative Societies Rules, 1988, submitted that the present impugned meeting cannot be held within six months since the earlier request made by the very same people was not considered even though the meeting was proposed to be convened on 22.11.2017 at 2.00 p.m. He further submitted that the present meeting sought to be conducted based on the same request, however, by dating it as 24.11.2017 to give an impression as though it is a fresh one, cannot be acted upon.

4. It is true that a meeting was sought to be conducted on 22.11.2017, based on a request made by the members on 16.10.2017. However, admittedly no such meeting has taken place on that day and on the other hand, subsequent request was made on 23.11.2017 and 24.11.2017 for convening a meeting for considering the no confidence motion. Based on such request only, the present impugned communication is issued to convene the meeting on 21.12.2017, which admittedly, falls within 30 days of the receipt of the said request.

5. I have given my careful consideration to Rule 62 (8) of the Tamil

Nadu Co-operative Societies Rules, 1988, referred to by the learned counsel for the petitioners, which reads as follows:

If the no confidence motion is not carried by such a majority referred to in sub-rule (6), or if the meeting cannot be held for want of the quoram referred to in sub-rule (5), no requisition for bringing any subsequent motion expressing want of confidence in the same office-bearer shall be received until after the expiry of six months of the date of the meeting.

6. Perusal of the said Rule would show that no such meeting can be held before the expiry of six months, if the no confidence motion was not carried on by such majority referred to in sub-rule 6 or if the meeting cannot be held for want of quoram referred to in sub-rule 5. Nothing is placed on record to show that those two eventualities exist in this case. Therefore, I am of the view that the learned counsel for the petitioners is not justified in relying on the said Rule to contend that the present impugned meeting is barred under Rule 62(8) of the Tamil Nadu Co-operative Societies Rules, 1988. Accordingly, I find no merit in the writ petitions. Both the Writ Petitions are dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

20.12.2017

Speaking/Non Speaking
Index : Yes/No
vsi

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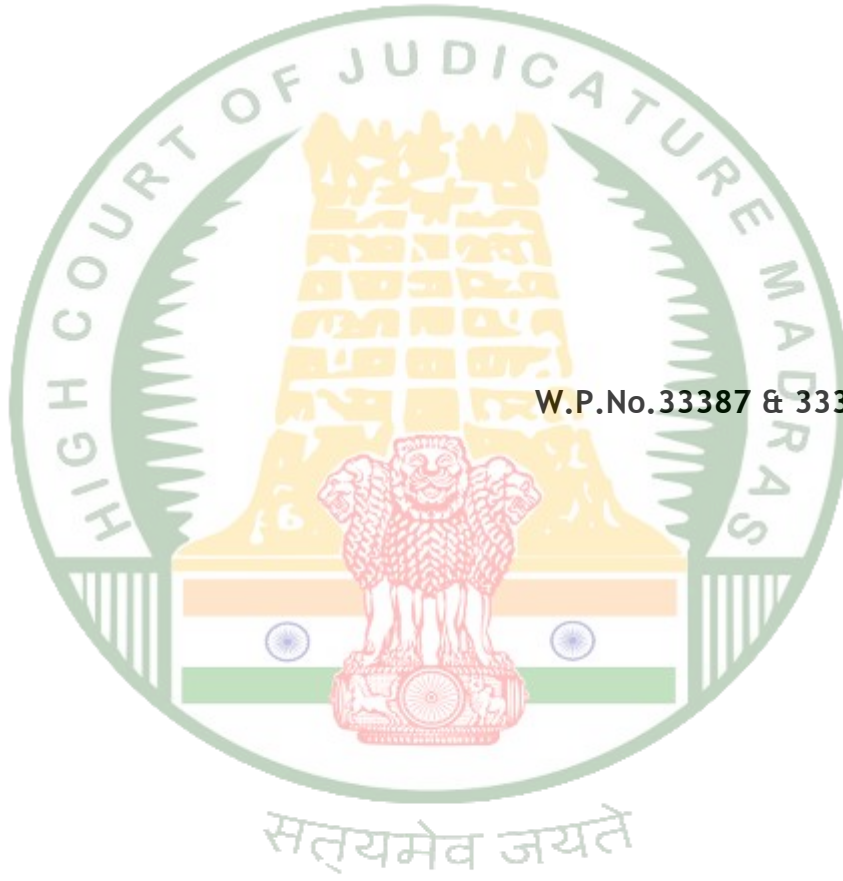
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K.RAVICHANDRABAABU,J.

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