

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.09.2017

CORAM

THE HON'BLE MR. JUSTICE D. KRISHNAKUMAR

W.P.No.24619 of 2017 and
WMP.No.25973 of 2017

R.K.Palanivel

..Petitioner

Vs.

1. The Registrar of
Cooperative Societies,
No.170, NVN Maligai,
Kilpauk, Chennai-10
2. The Deputy Registrar of
Cooperative Societies,
Pattukottai Circle,
Pattukottai
3. The Cooperative Sub Registrar /
Field Officer,
Peravurani, Thanjavur District

..Respondents

PRAYER:

The Writ Petition is filed under Article 226 of the Constitution of India to issue a writ of mandamus forbearing the respondents 2 & 3 from convene the special meeting for no confidence motion against the petitioner on 14.09.2017 in pursuant to the order passed by the second respondent in Na.Ka.No.2191/2017/sapa dated 06.09.2017 and consequential notice issued by the third respondent on 07.09.2017 till the disposal of the revision petition filed by the petitioner on 11.09.2017 under Section 153 of Tamil Nadu Cooperative Societies Act, before the first respondent.

For Petitioner : Mr.M.S.Palaniswamy

For Respondents : Mr.V.Selvaraj,
Additional Government Pleader

ORDER:

According to the petitioner, the petitioner was elected as the President of T.1026, Mavadukurichi Primary Agricultural Cooperative Credit Society Limited and assumed office on 09.05.2013. While being so, the petitioner received a notice from the second respondent under Section 33 (14) (a) of the Tamil Nadu Cooperative Societies Act, 1983 informing that eight members of the Board of the Society had sent a petition dated 25.07.2017 requesting to convene a special meeting for the purpose of 'No Confidence Motion' against the petitioner. Further, the second respondent issued another notice dated 31.07.2017 to the petitioner directing to convene a special meeting on 'No Confidence Motion' against the petitioner. As such, the petitioner issued a notice dated 07.08.2017 to the members of the Board that the same will be convened on 10.08.2017, but the meeting was adjourned since majority of the members were not present on that day. After that, the second respondent passed an order in Na.Ka.No.2191/2017/sapa dated 06.09.2017 under Rule 62(4) of the Tamil Nadu Cooperative Societies Rules, 1988 appointing the third respondent to convene the special meeting, based on which the third respondent served a notice dated 07.09.2017 informing that a special meeting to discuss 'No Confidence Motion' against the petitioner will be convened on 14.09.2017 at 11.30 a.m., which was received by the petitioner on 09.09.2017. Challenging the order dated 06.09.2017 passed by the second respondent and the consequential notice dated 07.09.2017 served by the third respondent, the petitioner has filed the present writ petition before this Court.

2. The learned counsel for the petitioner would submit that on seeing the urgency of the matter, the petitioner has filed a revision petition under Section 153 of the Tamil Nadu Cooperative Societies Act, 1983 for the same relief before the first respondent. According to the petitioner, there is a clear violation of Rule 62 (4) of the Tamil Nadu Cooperative Societies Rules, 1988, since the second respondent is only the authority to convene such special meeting and the power cannot be delegated to the third respondent.

3. The learned Additional Government Pleader would submit that the petitioner has filed a revision petition before the revisional authority. Therefore, the present writ petition filed by the petitioner is not maintainable.

4. Taking into consideration of the submissions made by the learned counsel for the parties, the writ petitioner has filed the revision petition before the first respondent on 11.09.2017. Since no order has been passed, the petitioner has filed the present writ petition before this Court.

5. In view of the above said facts, this Court is inclined to direct the first respondent to entertain the revision petition, if it is in order, pass orders on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this Order. If the said revision petition is not in order, the same shall be communicated to the petitioner. In the meantime, the special meeting proposed to be convened by the third respondent is permitted to go on 14.09.2017, but the final decision taken in the said meeting shall not be communicated to the writ petitioner, till the final order passed in the revision petition.

6. In fine, the writ petition is disposed of with above directions. Consequently, the connected miscellaneous petition is closed. No costs.

Sd/-
Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

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To

1. The Registrar of
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No.170, NVN Maligai,
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2. The Deputy Registrar of
Cooperative Societies,
Pattukottai Circle,
Pattukottai
3. The Cooperative Sub Registrar /
Field Officer,
Peravurani, Thanjavur District

+1cc to Government Pleader sr.66729

+2cc to M/s.M.S.Palaniswamy, Advocate sr.66360

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ss(co)
ss(13/9/2017)