

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.7.2017

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.15485 of 2017
and W.M.P.No.16772 of 2017

Thiyagarayanagar Co-operative Bank,
5 Duraismy Rd T.Nagar Chennai 17
Rep.by its President S.Ezhumalai
S/o.E.Srinivasan No.25/16, Brindavan St, West
Mambalam Chennai 600 033. Petitioner

Vs.

- 1 The Registrar of Co-operative
Societies No .170. N.V.Natarajan Maligai
E.V.R. Periyar Road Kilpauk Chennai 600 010
- 2 Additional Registrar of
Co-operative Societies Chennai Zone No.91
St Marys Road Abiramapuram Chennai 600 018
- 3 Deputy Registrar Co-operative
Societies (Credit) Kuralagam, Broadway
Chennai 600 018 Respondents

Prayer: Writ petition filed under Article 226 of the
Constitution of India, praying for the issuance of a Writ of
Certiorari filed Mandamus, to call for the records in Na.Ka
2961/2017/ E2 dated 12.06.2017 passed by the second respondent
and quash the same and consequently direct the first respondent
to approve the resolution No.19 dated 31/05/2017 passed by the
petitioner's board.

For Petitioner : Mr.N.Manokaran
For Respondents : Mr.S.T.S.Moorthy,
Addl. Advocate General
Assisted by
Mr.L.P.Shanmugasundaram,
Spl. Govt. Pleader

O R D E R

The Writ petitioner has challenged the impugned notice, dated 12.6.2017 passed by the second respondent herein before this Court on the following grounds:

(a) The impugned order is predetermined, in other words because of the resolution with respect to withdrawal of the post namely Managing Director, the impugned order has been passed.

(b) While convening the Board of Directors meeting, the procedure contemplated under Section 33(13) of the Tamilnadu Co-operative Societies Act is not followed.

(c) The report under Section 82 of the Act has not been furnished to the Board.

2 On instructions from Mr.S.Baskar, Deputy Registrar of Co-operative Societies, the learned Additional Advocate General fairly conceded to withdraw the impugned show cause notice, dated 12.6.2017.

3 In view of the statement made by the learned Additional Advocate General, the learned counsel for the petitioner would submit that in the event of show notice, dated 12.6.2017 is being withdrawn, on instruction, the petitioner undertakes that they will withdraw the resolution, dated 31.5.2017 if the respondent will not proceed afresh invoking Section 88 of the Tamilnadu Cooperative Societies Act for the same reasons as stated in the impugned order. In support of the contention, consent letter given by the petitioner be form part of the order.

4 Recording the statement made by the learned Additional Advocate General and the learned counsel for the petitioner, the writ petition is closed. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/-

Asst.Registrar (CS III)

/true copy/ जयते

Sub Asst. Registrar

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To

- 1 The Registrar of Co-operative Societies No .170. N.V.Natarajan Maligai
E.V.R. Periyar Road Kilpauk Chennai 600 010
- 2 Additional Registrar of Co-operative Societies,
Chennai Zone No.91, St Marys Road,
Abiramapuram Chennai 600 018

3 Deputy Registrar Co-operative Societies (Credit),
Kuralagam Broadway, Chennai 600 018.

+ 1 cc to M/s.Mr.SathishKumar, Advocate,SR.49541

+ 1 cc to M/s.N.Manokaran, Advocate,SR.48705

+ 1 cc to The Govt.Pleader, SR.49420

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RSY (CO)
NR 08/08/2017



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